

MUNICIPAL BUILDING
Middlesex, NJ 08846
January 1, 2013

The 2013 Reorganization Meeting of the Mayor and Council was held at the above place on the above date at 12:00 p.m. Mayor Dobies stated that the meeting was being held in full compliance with the Sunshine Law and that the meeting had been transmitted to the newspaper on December 22, 2011.

Councilman Bob Schueler and Kevin Dotey were administered the Oath of Office by Mayor Dobies.

The following responded to roll call of the 2013 Mayor and Council:

Mayor	Ronald S. Dobies
Council Members	Ron DiMura
	Kevin Dotey
	Sean Kaplan
	Patricia Jenkins (late)
	Bob Schueler
	Michele Tackach

Comments were made by Councilman Dotey

Councilman Dotey thanked his family and everyone that supported him, including his running mate Councilman Schueler, Council President DiMura and Councilwoman Tackach. He mentioned that he is open-minded and stated that if a resident has a better idea, if they bring it to him he is willing to listen because if it betters the community it is better for everyone. He will try to keep the town stable, keep services where they are, provide for our citizens the best we can and he is willing to do the best he is able to do for the borough. Councilman Dotey also wished everyone Happy New Year!

Comments were made by Councilman Schueler

Good Afternoon to All and a Happy New Year,

Thank you for coming. I would like to thank many people for helping me achieve this position, but first and foremost my wife and family, without their support and assistance it would not have been possible. I would like to thank Ron Dimura and the Middlesex Boro Democratic Organization for having the confidence in me to add me to the campaign team. Thank you to my running mate Kevin Dotey whose energetic presence was an asset to the campaign. There are many others too numerous to mention but please know that your assistance was greatly appreciated. I would like to thank the residents of Middlesex for trusting me to be a steward of this town, to ensure its effective workings. Not just those who voted for me but the ones who provided honest and candid feedback during the campaign so we can discern where we need to improve.

In the last 75 days we have been exposed directly and indirectly to one disaster or tragedy after another. We need to keep our families close and in our hearts. We should

concentrate on building relationships with our neighbors, both as individuals and as a community, to seek out opportunities to cooperate with other towns to get things done, not just with man and material aspects but with advice and counsel on how they handled similar issues. We also need the feedback and ideas from our community. Sure it's easy to rant on a blog or at a meeting but if you have an idea about a better way to do things, please come forward in a constructive manner and we can all benefit from the free flow of ideas.

Again thank you for your time and I wish all of you a wonderful and blessed new year.

Mayor Dobies' New Year's Address:

On behalf of our Governing Body, our Borough and Professional Staffs I wish our residents and their families a happy, healthy and safe New Year.

In 2012, Super Storm Sandy was the one event that brought lingering destruction, hardship, and death to Middlesex. The loss of extended power shortage not only challenged our residents, but created a new chapter in Emergency Management that we had to quickly react to in helping our residents. Once again, I had the privilege to work with our most treasured and always prepared, our volunteers. It would take me the most of this morning to mention all these volunteer and the heroic deeds they performed while leaving their families to handle the storm on their own. Our OEM staff, our Fire Department, and our Rescue Squad along with our Police and DPW Departments met with members of our Governing Body, under the direction of our OEM Director Jack Costa, to plan the strategy for handling the anticipated storm. Thanks to the Salvation Army we were able to provide hot meals daily for 300-400 families. The County provided sufficient water, ice and MRE meals to last the duration of the storm. During the last few days the Red Cross also delivered meals during the daytime. I would be remiss if I didn't mention the actions of our young students who helped pass our fliers and distribute the County supplies and hot meals at night. I would also like to acknowledge Council President DiMura, Councilman Sean Kaplan, Police Chief Young, Fire Chief Mott, and OEM Director Costa who met with me on a daily basis to review our activities and plan the day's work ahead. Councilwomen Jenkins and Tackach for their work on the distribution of the fliers and County supplies, and managing the evening meals is to be commended. Governor Christie's leadership and weekly conference call with mayors proved to be a much needed resource in communications. Lastly, I would like to thank our residents for their patience and understanding during this crisis. In our critique of our operations we all agreed that the need to improve communications with our residents during these crises is by far the area we must address.

In 2012, we delivered on our 2011 campaign promises in starting the improvements on our infrastructure, increased services in the recycling center and household waste pickup, keeping the budget as low as possible, the renovation started in Mountain View Park, and the planned work at Victor Crowell Park just to name a few. I believe the opening of the gates at Victor Crowell Park Dam was by far the most important decision we made prior to the impending storm following Super Storm Sandy. From this point on this will be our standard operating procedure during storms.

But 2012 is over and we can't stand on our past laurels so we must move ahead not only to help our residents, but to gain their trust since they have selected us to move

Middlesex ahead. As a result I am asking the Borough Council and our Staff to consider the following goals for 2013:

1. Prepare a low cost conscious budget that meets the needs of our residents.
2. Continue to improve our road overlay program since to do otherwise will involve the more expensive total road construction process.
3. Search out more realistic grants and shared services to help reduce our costs.
4. Expand the Intermittent staff of part-time employees to six for the entire year.
5. Improve our image with the Business Community by trying to reduce their cost and those of our residents who appear before the Planning or Zoning Boards. In my mind fining or taking someone to Court should be the last act in dealing with our residents and Business Community, and only after repeated attempts to resolve the violation are taken.
6. Remain conscious to the voice and needs of our residents.
7. Let's make our 100th Anniversary a memorable event.

The Borough Clerk read the following resolution.

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

RESOLUTION #1-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS BOROUGH ATTORNEY TO THE FIRM BOB SMITH & ASSOCIATES

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Aravind Aithal, Esq. of the firm of Bob Smith & Associates having offices located at 216-B1 Stelton Road, Piscataway, NJ 08854 as the Attorney for the Borough of Middlesex for the period of January 1, 2013 to December 31, 2013 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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

1. Aravind Aithal, Esq. of the firm of Bob Smith & Associates, having his office located at 216-B1 Stelton Road, Piscataway, New Jersey is hereby appointed as the Attorney for the Borough of Middlesex for the period of January 1, 2013 through December 31, 2013 at a salary set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

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

Councilman Schueler offered the name of Councilman DiMura for Council President, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: DiMura.

The Borough Clerk read the following names for the 2013 Fire Officials:

2013 Fire Officials

Chief	Dave Bird
First Asst. Chief	Andy Castaldo, Jr.
Second Asst. Chief	James Rinker

Safety Officer – Kevin Mott

Company No. 1 – Lincoln Hose

Captain	Brian Mattox
Lieutenant	Jim Singer
Engineer 21	Rich Reedy, Jr.
Asst. Engineer 21	Tom Kurtz
Honorary Assistant	
Captain	Mark Colacci

Approved Drivers Truck 21: John Hein, Brian Mattox, Mark Rutledge, Colin McKeown, Shawn Young, Rich Reedy, Jr., Jim Singer, Tom Kurtz

Approved Drivers Truck 25: Rich Reedy, Jr., Jim Singer, John Hein, Brian Mattox, Mark Rutledge, Colin McKeown, Tom Kurtz, Shawn Young

Company No. 2 – Beechwood Heights

Captain	Darren Lubetkin
Lieutenant	Brian Chomen
Engineer	Eric Chomen
Asst. Engineer	Steve Tarbous

Approved Drivers Truck 22: Chris Reichert, Vic Capolunghi, Brian Chomen, John Craig, Randy Rudnick, Andy Klein, Robert Schneider, Kevin Crynock, Richard Malt, Darren Lubetkin, Dan DelSignore, Eric Chomen, Steve Tarbous, Rich Tarbous, Jason Dudley

Company No. 3 – Pierce

Captain	William Smith
Lieutenant	Colleen Dooley
Engineer 23	Ken Bartok
Asst. Engineer	Chad Heulitt

Approved Drivers Truck 23: Jack Costa, Bill Smith, Bill Winkleman, Dave Bird, George Schroeder, Chad Heulitt, Colleen Dooley, Jim Rinker, Chris Dubois, Ken Bartok

Company No. 4 - Parker

Captain Ed Winters, Jr.
Lieutenant Joe Dudley
Engineer 24 Bob Poltorak
Asst. Engineer Nick Goldman

Approved Drivers Truck 24: Robert Poltorak, Andy Castaldo, Jr., Ryan Zittel, Jeff Kyryczenko, Ed Winters, Jr., Kevin Mott, Robert Pollara, John Pazar, Nick Goldman, Joe Dudley, Al Kriney, Bob Soper

Approved Drivers for HM1: Jackie Giardino, Mike Lane, John Hommas, Diego Ugalde, Bob Reale & Roger Talavera

The Borough Clerk read the following names for Police Matrons and Crossing Guards

2013
Police Matrons

Constance Johnson
Mary Eloie
Cynthia Chomen
Maryann Doesburg

Margaret Eloie
Martha Ziegler

School Crossing Guards

Isobel Mckeown
James Green, Sr.
Kenneth Larson
Diana Hood
Constance Johnson
Howard Killian

Patricia Slaktowicz
Carol Schenck
Richard Sahli
Laurina Tolomeo
Madeline Havet
Anthony Parenti

**MAYOR'S APPOINTMENTS FOR 2013 THAT REQUIRE NO
CONFIRMATION**

PLANNING BOARD

Robert Schueler (Class III)	1-year	12/31/13
Frank Ryan (Alt. 2)	2-year	12/31/14
Andrew Galida	1-year	12/31/13
Brian Platten	4-year	12/31/16
Sheila Fuhrmann	1-year	12/31/13
Jeff First (Mayor's Rep.)	1-year	12/31/13

RECREATION COMMISSION

Robert May	5-year	12/31/17
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100th ANNIVERSARY COMMITTEE

Ron DiMura, Chairman	1-year	12/31/13
Barbara Ferris	1-year	12/31/13
Fran Benitz	1-year	12/31/13
Jim Benson	1-year	12/31/13
Jack Costa	1-year	12/31/13
Sharon DiMura	1-year	12/31/13
Christine DiNizio	1-year	12/31/13
Fire Chief David Bird	1-year	12/31/13
Dina Fornataro-Healey	1-year	12/31/13
Valerie Dinizio	1-year	12/31/13
Nadine Chemey	1-year	12/31/13
Patricia Sweeney	1-year	12/31/13
Ryan Zittel	1-year	12/31/13
Helena Gathier	1-year	12/31/13
Mike Conahan	1-year	12/31/13

BEAUTIFICATION COMMITTEE/911 COMMITTEE

Geraldine Bognar	1-year	12/31/13
Sherley Penrose	1-year	12/31/13
Tony Sasso	1-year	12/31/13
Monique Sasso	1-year	12/31/13
Pam Teitelbaum	1-year	12/31/13
Julia Rosato	1-year	12/31/13
Joseph DeScenza	1-year	12/31/13
Emily DeScenza	1-year	12/31/13
John Yaniero	1-year	12/31/13
Nancy Avery	1-year	12/31/13

BUSINESS ADVISORY COMMITTEE

Michael DeFino	1-year	12/31/13
Mark Porcell	1-year	12/31/13
Dave Nardi	1-year	12/31/13
Sunnill Pamnani	1-year	12/31/13
Jack Paritte	1-year	12/31/13
Steve Rhodes	1-year	12/31/13
Jason Dudley	1-year	12/31/13
Peter Staffelli	1-year	12/31/13
Peter Basile	1-year	12/31/13

SUSTAINABLE ENERGY COMMITTEE

Michael Schneider - Chairman	1-year	12/31/13
Debra DeVuyst	1-year	12/31/13

Joseph McNulty	1-year	12/31/13
Joseph Waide	1-year	12/31/13

FLOOD ADVISORY COMMITTEE

Sean Kaplan - Chairman	1-year	12/31/13
Nicholas DiNizo	1-year	12/31/13
Steve Kukoda	1-year	12/31/13
Sandy Russell	1-year	12/31/13
John Sweeney	1-year	12/31/13
Anthony Vietri	1-year	12/31/13
Anne Jones	1-year	12/31/13

VICTOR CROWELL PARK COMMITTEE

Frank Ryan - Chairman	1-year	12/31/13
Patricia Rex	1-year	12/31/13
Richard Thomasey	1-year	12/31/13
Patti McGuire	1-year	12/31/13
Joey Bracey	1-year	12/31/13
Elizabeth Platten	1-year	12/31/13
Ron DiMura	1-year	12/31/13

SENIOR CITIZEN HOUSING

John Fuhrmann	1-year	12/31/13
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SHADE TREE COMMISSION

Robert Ferris	5-year	12/31/17
Jason Bond	5-year	12/31/17

MAYOR'S APPOINTMENTS FOR 2013 THAT REQUIRE CONFIRMATION

BOARD OF HEALTH

Amy Bigge	4-year	12/31/16
Melissa Fedosh	4-year	12/31/16
Amy Burke	4-year	12/31/16
Ceil Slauson	3-year	12/31/15
Michael Conahan (Alt. 1)	2-year	12/31/14

LIBRARY BOARD

Mary Lou Johnson	5-year	12/31/17
Susen Edwards	3-year	12/31/15
Richard Paul (Mayor's Representative)	1-year	12/31/13

SWIM POOL COMMISSION

Mary Dinger	5-year	12/31/17
Bud Crede (Mayor's Rep.)	Term of Mayor	12/31/15
Mark Kranz (Mayor's Rep.)	Term of Mayor	12/31/15

HOUSING & COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

John Hoffman	3-year	12/31/15
Teri Ledger	3-year	12/31/15
Betty Platten	3-year	12/31/15
Michelle Tackach (Mayor's Representative)	1-year	12/31/13

GREENBROOK FLOOD CONTROL COMMISSION

John Madden	2-year	12/31/17
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BOROUGH PHYSICIAN

Dr. Zafir Shaheen	1-year	12/31/13
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LEGAL NEWSPAPERS

Courier-News	1-year	12/31/13
Star Ledger	1-year	12/31/13
Home News Tribune	1-year	12/31/13

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

APPOINTMENTS BY COUNCIL NOT REQUIRING MAYOR CONFIRMATION

BOARD OF ADJUSTMENT

Andrew Galida	4-year	12/31/16
Joseph McNulty	4-year	12/31/16
Walter Gannone (1 st Alt.)	2-year	12/31/14
Anthony Vietri (2 nd Alt.)	1-year	12/31/13

2013 Council Committees and Council Liaison Councilmanic Committees

- A. Administration, Legislation, Land Department of Senior Services
Robert Schueler, Patricia Jenkins and Michele Tackach

- B. Fire, Office of Emergency Management, Board of Health and Rescue Squad
Sean Kaplan, Kevin Dotey and Patricia Jenkins
- C. Finance, Taxation, Real Estate, Insurance and Public Utilities
Ron DiMura, Sean Kaplan and Robert Schueler
- D. Police, Municipal Court, Code Enforcement and Construction
Michele Tackach, Robert Schueler, and Ron DiMura
- E. Public Works, Recycling and Building and Grounds
Patricia Jenkins, Ron DiMura and Kevin Dotey
- F. Recreation, Recreation Fields, Swim Pool Commission and Community Celebrations
Kevin Dotey, Michele Tackach and Sean Kaplan

Mayor's Council Liaison Appointments for 2013

Board of Education	Councilwoman Jenkins
Board of Health	Councilman Schueler
County SWAC	Councilman DiMura
County Transportation	Councilwoman Tackach
Housing & Community Development	Councilwoman Tackach
OEM	Councilman Kaplan
Planning Board	Councilman Schueler
Recreation Commission	Councilman Dotey
Safety Board	Councilman Kaplan
Shade Tree Commission	Councilwoman Jenkins
Victor Crowell Park	Councilman DiMura
Swim Pool Commission	Councilman Dotey
100 th Anniversary Committee	Councilman DiMura

Mayor Dobies opened the meeting for any public comments. Seeing that there were no public comments, 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 #2-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS BOROUGH PROSECUTOR TO JEREMY SOLOMON, ESQ.

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Jeremy Solomon of the firm Bob Smith Associates, 216-B1 Stelton Rd., Piscataway, NJ as the Borough Prosecutor for the Borough of Middlesex for the period from January 1, 2013 to December 31, 2013; and

WHEREAS, Timothy Arch and Niki Athanasopoulos will be considered as substitutes for Jeremy Solomon when Mr. Solomon is not available.

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

1. Jeremy Solomon of the firm Bob Smith Associates whose office is located at 216-B1 Stelton Rd., Piscataway, New Jersey is hereby appointed as the Municipal Prosecutor for the Borough of Middlesex and substituting for Mr. Solomon when he is not available will be Timothy Arch and Niki Athanasopoulos for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #3-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LABOR ATTORNEY TO MICHAEL V. CRESITELLO OF THE FIRM DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C.

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Michael V. Cresitello of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., whose office are located at 15 Mountain Boulevard, Warren, NJ 07059 as the Labor Attorney for the Borough of Middlesex for the period from January 1, 2013 to December 31, 2013;

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

1. Michael V. Cresitello of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., having his office located at 15 Mountain Boulevard, Warren, New Jersey is hereby appointed as the Labor Attorney for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a salary set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #4-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS SPECIAL ENVIRONMENTAL COUNSEL TO MICHAEL V. CRESITELLO OF THE FIRM DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C. FOR THE YEAR 2013

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Michael V. Cresitello of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C. whose office are located at 15 Mountain Boulevard, Warren, NJ 07059 as the firm to represent the Borough in connection with certain law suits instituted against the Borough pertaining to environmental issues.

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

1. The Borough of Middlesex hereby retains the services of Michael V. Cresitello of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C. to represent the Borough in connection with various environmental matters, which may arise during the course of the year as designated by the Governing Body and to continue representing the Borough in connection with litigation matters which are presently pending for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #5-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ENGINEERING SERVICES FOR THE BOROUGH TO REMINGTON & VERNICK

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Terence Vogt of the firm of Remington & Vernick for the Borough of Middlesex for the period from January 1, 2013 to December 31, 2013.

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

1. Terence Vogt of the firm of Remington & Vernick whose office is located at 3 Jocama Boulevard, Old Bridge, NJ 08857 is hereby appointed as Engineer for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #6-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AUDITING SERVICES AS BOROUGH AUDITOR TO HODULIK & MORRISON, P.A.

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint the firm of Hodulik & Morrison, P.A. whose office is located at 1102 Raritan Avenue, Highland Park, NJ 08904 as the Auditors for the Borough of Middlesex for the period from January 1, 2013 to December 31, 2013.

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

1. Hodulik & Morrison, P.A. whose office is located at 11-2 Raritan Avenue, Highland Park, NJ 08904, is hereby appointed as the Auditors for the Borough of Middlesex for the period from January 1, 2013 through

December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #7-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR "BOND COUNSEL" SERVICES AS BOROUGH "BOND COUNSEL" TO WILENTZ, GOLDMAN & SPITZER, P.A.

WHEREAS, the Governing Body of the Borough of Middlesex wished to retain the service of John Cantalupo of the firm Wilentz, Goldman & Spitzer, P.A. for the Borough of Middlesex for the year 2013; and

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

1. John Cantalupo of the firm Wilentz, Goldman & Spitzer, P.A. is hereby appointed as "Bond Counsel" for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #8-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SERVICES AS BOROUGH "LICENSED SEWAGE COLLECTION SYSTEM OPERATOR" TO JEROME F. SHEEHAN OF THE FIRM OF JFS SERVICES LLC

WHEREAS, the Governing Body of the Borough of Middlesex wish to retain the services of Jerome F. Sheehan of the firm JFS Services LLC as Licensed Sewage Collection System Operator for the Borough of Middlesex as the for the year 2013; and

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

1. Jerome F. Sheehan of the firm JFS Services LLC is hereby appointed as "Licensed Sewage Collection System Operator" for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #9-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR BOROUGH PUBLIC DEFENDER TO MARCO BENUCCI, LLC

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Marco Benucci, LLC, 1130 Route 202 South, Suite A-7, Raritan, NJ as the Borough Public Defender for the Borough of Middlesex for the year 2013.

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

1. Marco Benucci, LLC whose office is located at 1130 Route 202 South, Suite A-7, Raritan, New Jersey is hereby appointed as the Borough Public Defender for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #10-13

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SERVICES AS
BOROUGH "PLANNER" TO REMINGTON & VERNICK**

WHEREAS, the Governing Body of the Borough of Middlesex wish to retain the services of the firm of Remington & Vernick as Borough Planner for the Borough of Middlesex for the year 2013; and

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

1. The firm of Remington & Vernick is hereby appointed as "Borough Planner" for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #11-13

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
"REDEVELOPMENT PLANNER" TO REMINGTON & VERNICK**

WHEREAS, the Governing Body of the Borough of Middlesex wish to retain the services of the firm of Remington & Vernick as Redevelopment Planner for the Borough of Middlesex for the year 2013; and

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

1. The firm of Remington & Vernick is hereby appointed as "Redevelopment Planner" for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #12-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR "APPRAISAL SERVICES" TO INTEGRA REALTY RESOURCES

WHEREAS, the Governing Body of the Borough of Middlesex wish to retain the services of the firm of Integra Realty Resources, 1415 Hooper Avenue, Suite 202, Toms River, NJ for "Appraisal Services" for the Borough of Middlesex for the year 2013; and

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

1. The firm of Integra Realty Resources is hereby appointed for "Appraisal Services" for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #13-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SERVICES AS BOROUGH "TAX APPEAL ATTORNEY" TO MARTIN ALLEN OF THE FIRM OF DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C. FOR THE YEAR 2013

WHEREAS, the Governing Body of the Borough of Middlesex wished to retain the services of Martin Allen of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., having his office located at 15 Mountain Boulevard, Warren, NJ 07059 as Tax Appeal Attorney for the Borough of Middlesex for the year 2013; and

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

1. Martin Allen, of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., is hereby appointed as "Tax Appeal Attorney" for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 #14-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE BOROUGH TO T&M ASSOCIATES

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint the firm of T&M Associates for the Borough of Middlesex for "Environmental Engineering Services" for the period from January 1, 2013 to December 31, 2013; and

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

- 1 The firm of T&M Associates whose office is located at 1373 Broad Street, Suite 306, Clifton, NJ 07013-4231 are hereby appointed for Environmental Engineering Services for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Council President DiMura 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 resolutions:

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

CONSENT AGENDA 2013(A)

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 #26-13 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.

Resolutions #15-13 – Resolution #25-13
Resolution #27-13 – Resolution #31-13

Council President DiMura moved for adoption, 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 #15-13

The Disbursing Officers be and they are hereby authorized to pay, on a monthly basis, premium for Borough employees' insurance coverage as it is due.

The Borough Clerk read the following resolution:

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

RESOLUTION #16-13

The Disbursing Officers be and are hereby authorized to draw a check in the amount of \$100.00 for reimbursement of the Clerk's petty cash fund and \$100.00 for the Police Department, and \$100.00 for the Recreation Department.

The Borough Clerk read the following resolution:

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

RESOLUTION #17-13

The By-Laws as have been previously adopted are to remain in full force to govern the 2013 Governing Body or until further action is taken.

The Borough Clerk read the following resolution:

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

RESOLUTION #18-13

In compliance with the "Open Public Meeting Law" P.L. 1975 C231, the following schedule is set for the meetings of Mayor and Council for the year 2013:

January 1, 8, 22
February 12, 26
March 12, 26
April 9, 23
May 14, 28
June 11, 25

July 9, 23
August 13, 27
September 10, 24
October 8, 22
November 12, 26
December 17

Reorganization Meeting - January 1, 2014

Regular Meetings commence at 7:00 p.m. with the workshop agenda immediately following.

Action may be taken at any meeting above.

The Borough Clerk read the following resolution:

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

RESOLUTION #19-13

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that the following are designated as legal depositories:

State of New Jersey Cash Management Fund
Unity Bank
TD Bank
Depository Trust
J.P. Morgan Chase

The Borough Clerk read the following resolution:

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

RESOLUTION #20-13

The treasurer be and is hereby authorized to draw checks, as needed, to New Jersey Sales Tax for taxes collected through the snack bar at Middlesex Community Pool.

The Borough Clerk read the following resolution:

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

RESOLUTION #21-13

WHEREAS, the Treasurer is required to invest and reinvest borough funds.

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 Borough Treasurer is hereby authorized to invest and re-invest borough funds.

2. This resolution shall take effect for the year 2013.

The Borough Clerk read the following resolution:

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

RESOLUTION #22-13

Tonya Hubosky be and is hereby appointed Official Tax Search Officer for the Borough of Middlesex for the year 2013.

The Borough Clerk read the following resolution:

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

RESOLUTION #23-13

Kathleen Anello be and is hereby appointed Official Assessment Search Officer for the Borough of Middlesex for the year 2013.

The Borough Clerk read the following resolution:

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

RESOLUTION #24-13

WHEREAS, the New Jersey Department of the Treasury requires that every municipality designate a Public Agency Compliance Officer (PACO) each year.

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

1. Andrea Corcoran hereby is appointed PACO Officer for the Borough of Middlesex for the year 2013.
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 #25-13

WHEREAS, there are numerous businesses within Middlesex Borough that provide materials and services that are needed and contracted for by various boards, commissions, committees, and departments of the Borough of Middlesex; and

WHEREAS, the Governing Body of Middlesex Borough believes that they should fully support the business and professional community, located in Middlesex Borough, that supply quality materials and services to the residents of Middlesex Borough; and

WHEREAS, these businesses and professionals, located in Middlesex Borough, pay taxes, create jobs, and significantly contribute to and enhance the quality of life for the Middlesex Borough residents.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of Middlesex that it restate and endorse the established "Buy Local Policy", and

That all departments, boards, commissions and committees be directed, whenever economically feasible and consistent with existing laws and our Borough financial policies, to purchase materials and services from business and professionals located in Middlesex Borough; and

BE IT FURTHER RESOLVED that the Governing Body of Middlesex Borough directs the Borough Clerk to send a copy of this resolution to all individuals responsible for making or approving Borough purchases or retaining services, including department heads and chairpersons of the various boards, commissions and committees.

The Borough Clerk read the following resolution:

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

RESOLUTION #27-13

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO COLLECT INTEREST ON DELINQUENT TAXES

"Delinquency means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years"

In the event the quarterly payment of taxes or assessments are not paid on the date on which they become delinquent, but are paid within ten days on the date on which they become delinquent, the Tax Collector be and is hereby authorized to collect interest on all such delinquent payments; and

In the event that quarterly payment of taxes or assessments are not paid within ten days of the date on which they become delinquent, and the total amount of said delinquency is less than \$1,500.00, the Tax Collector be and is hereby authorized to collect 8% interest per annum from the date said payments first become delinquent up to \$1,500.00 of the delinquency and 18% interest on all such delinquent payments over \$1,500.00.

Pursuant to N.J.S.A. 54:4-67, which is the New Jersey statute defining a tax delinquency, the Governing Body of the Borough of Middlesex does hereby fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay the delinquency prior to the end of the calendar year 2013 and the penalty so fixed shall be six (6%) of the amount of the yearly delinquency.

The Borough Clerk read the following resolution:

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

RESOLUTION #28-13

The Disbursing Officers be and they are hereby authorized to pay on a prorated basis monies due to the Library Board of Trustees as was set up in the 2012 Budget until the 2013 Budget is adopted.

The Borough Clerk read the following resolution:

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

RESOLUTION #29-13

The Disbursing Officers be and they are hereby authorized to issue a check in favor of the Library Board of Trustees to be applied to their 2013 Operating Budget in the amount of \$6,034 representing State Library Aid.

The Borough Clerk read the following resolution:

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

RESOLUTION #30-13

“A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2013 BUDGET

A Temporary Budget in the amount of \$6,109,181.81 to provide for the payment of claims and salaries including debt service payments between the first day of January 2013 and the adoption of the 2013 budget to be set up as follows:

GENERAL GOVERNMENT OPERATIONS:

Mayor & Council

Salary & Wage	3,000
Other Expenses	2,500

Municipal Clerk

Salary & Wage	36,000
Other Expenses	5,000

Rescue Squad Rental	2,400
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Printing & Advertising	10,000
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Postage – All Departments	10,000
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Election	-0-
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Assessment of Taxes	
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Salary & Wage	7,650
Other Expenses	1,000
Collection of Taxes	
Salary & Wage	17,400
Other Expenses	2,000
Financial Administration	
Salary & Wage	30,000
Other Expenses	3,000
Legal Services & Costs	
Other Expenses	25,000
Engineering Services	25,000
Public Bldgs & Grounds	
Other Expenses	15,000
Computer Data Services	
Salary & Wages	15,000
Other Expenses	35,000
Planning Board	4,500
Board of Adjustment	
Salary & Wages	2,000
Other Expenses	3,000
Shade Tree Commission	
Salary & Wage	700
Other Expenses	10,000
Bd of Health	
Salary & Wage	2,300
Other Expenses	20,000
Housing & Community Development	
Salary & Wage	375
Other Expenses	25

Insurances

Group Insurance Plan	500,000
Workers Compensation	100,000
Surety Bonds	-0-
Temporary Disability	8,000
Long Term Disability	5,000
Other Insurances	125,000

PUBLIC SAFETY:

Fire Department

Other Expenses	30,000
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Police Department

Salary & Wage	750,000
Other Expenses	29,000

Juvenile Conference Committee

Salary & Wage	560
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Emergency Management

Other Expenses	3,000
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Road Repair & Maintenance

Salary & Wage	100,000
Other Expenses	25,000

Sewer Systems

Salary & Wage	-0-
Other Expenses	12,000

Solid Waste Management

Salary & Wage	25,000
Other Expenses	-0-

Garbage & Trash Removal

Salary & Wage	100,000
Other Expenses	15,000

Sanitary Landfill

75,000

Prosecutor's Office

Salary & Wage	7,000
Other Expenses	0

RECREATION & EDUCATION

Parks & Playgrounds

Salary & Wage	70,000
Other Expenses	10,000

Board of Recreation Commissioners

Salary & Wage	25,000
Other Expenses	25,000

Senior Citizen Bus Transportation

Salary & Wage	-0-
Other Expenses	2,000

Senior Coordinator

Salary & Wage	-0-
Other Expenses	2,500

Title III Clerk

Salary & Wage	8,000
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Uniform Construction Code

Salary & Wage	50,000
Other Expenses	4,000

Utilities – All Departments

Gasoline	50,000
Fuel Oil	40,000
Electricity	50,000
Telephone	15,000
Natural Gas	10,000
Street Lighting	50,000
Fire Hydrants	60,000
Water	5,000

Contingent

0

Municipal Court

Salary & Wage	50,000
Other Expenses	6,000

Celebration Public Events

10,000

County Curbside	28,000
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Animal Control	7,000
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STATURTORY EXPENDITURES:

PERS	270,283
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DCRP Co Match	1,500
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PFRS	624,712
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Social Security	70,000
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Pension – Firemen's Widow (N.J.S.A.43:12-28.1)	5,000
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TOTAL	3,746,405.00
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26.25% of the 2012 General Appropriation in the budget = \$4,303,882.97

Older Americans

Title III Salary	4,000
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Sr. Transportation Salary	6,000
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Stormwater Management

Salary & Wage	286,664
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Other Expenses	9,000
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Maintenance of Free Public Library	150,000
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Middlesex County Utility Authority	500,000
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Piscataway Sewerage Authority	100,000
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Middlesex County Drug Alliance	6,000
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Clean Grant	0
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Capital Improvement

Municipal Debt Service

Bond Principal	775,000
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Bond Interest	311,720.02
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Green Acres Loan	34,784.89
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110,140.82	Infrastructure Principal & Interest	
	MCIA Loan	69,467.08
	TOTAL	6,109,181.81

DEDICATED SWIMMING POOL UTILITY BUDGET

Swim Pool Utility

	Salary & Wage	20,000
	Other Expenses	50,000
	TOTAL	70,000

26.25% of the 2012 Swimming Pool Utility appropriation = \$97,860.00

The Borough Clerk read the following resolution:

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

Resolution #31-13

**BOROUGH OF MIDDLESEX
COUNTY OF MIDDLESEX
Authorizing the Filing and Settlement of Tax Appeals**

WHEREAS, the Mayor and Council of the Borough of Middlesex, Middlesex County, New Jersey (the "Council"), has been informed by the Tax Assessor that from time to time adjustments are made in the computation of tax assessments covering property within the Borough, and

WHEREAS, the Tax Assessor has requested the Council to authorize him, in consultation the Borough Tax Appeal Attorney, to direct the Borough Tax Appeal Attorney to file corrective appeals with the Middlesex County Board of Taxation and/or the New Jersey Tax Court, and

WHEREAS, the Tax Assessor has requested the Council to authorize the Borough Tax Appeal Attorney to file, in cases of increases, decreases, or counter-claims as he deems reasonable and necessary, after consultation with the Borough Assessor, petitions, complaints and counterclaims with the Middlesex County Board of Taxation and/or the Tax Court of New Jersey, and

WHEREAS, the Tax Assessor and Borough Tax Appeal Attorney are called upon to defend tax appeals filed with the Middlesex County Board of Taxation and the Tax Court, and to negotiate and agree to settlements and enter into stipulations of settlements on tax appeals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, Middlesex County, that the Tax Assessor of the Borough is hereby authorized to request after consultation with the Borough Tax Appeal Attorney, and the Borough Tax Appeal Attorney is authorized to thereby file corrective appeals with the Middlesex County Board of Taxation and the New Jersey Tax Court and to defend appeals filed with said Board and said Court, and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Middlesex, Middlesex County, that the Tax Assessor of the Borough be and is hereby authorized, after consultation with the Borough Tax Appeal Attorney, to request that and authorize the Borough Tax Appeal Attorney to file counterclaims in cases of increase with the Middlesex County Board of Taxation and/or the New Jersey Tax Court, as the Tax Assessor, after consultation with the Borough Tax Appeal Attorney, deem necessary, proper and in the best interests of the Borough, and

BE IT FURTHER RESOLVED by the Mayor and Council that the Tax Assessor and the Tax Appeal Attorney are authorized to negotiate and enter into settlements and stipulations of settlement to be filed with the Middlesex County Board of Taxation and/or the Tax Court, on behalf of the Borough of which the Assessor, after consultation with, and subject to the legal directions of the Borough Tax Appeal Attorney, deem necessary, proper and in the best interests of the Borough.

The Borough Clerk read the following resolution:

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

RESOLUTION #26-13

WHEREAS, the Borough of Middlesex has studied the feasibility of joining the Middlesex County Municipal Joint Insurance Fund (hereafter the "Fund") existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et. seq.); and

WHEREAS, the governing body of the Borough of Middlesex has determined that membership in the Fund is in the best interest of the Borough of Middlesex.

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

SECTION 1. The Borough of Middlesex hereby agrees to become a member of the Fund for a period commencing January 1, 2013, and terminating on December 31, 2015 for the purpose of establishing the following types of insurance coverage:

- a) Workers Compensation and Employers Liability.
- b) General Liability Coverage (including Public Official, Police Professional).

- c) Motor Vehicle and Equipment Liability Coverage.
- d) Property Damage Coverage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, Boiler & Machinery and Public Employee Blanket Bonds).

After the expiration of the initial period of membership, participation may be canceled or extended in accordance with the ByLaws of the Fund.

SECTION 2. For the purposes of contribution of sums into the Fund to be designated for administrative costs and claims, the Borough of Middlesex hereby agrees to obtain the types of coverage from the Fund as set forth in Section 1 of this Resolution and Indemnity and Trust Agreement to be signed by it.

SECTION 3. The ByLaws of the Middlesex County Municipal Joint Insurance Fund, attached hereto, have been adopted and accepted.

SECTION 4. The Governing Body is hereby authorized and directed to execute a written agreement signifying application for membership in the Fund and is to execute such other agreements, including but not limited to the Indemnity and Trust Agreement in order to implement membership by this in the Fund according to its terms.

SECTION 5. The Mayor and Council certifies that the Borough of Middlesex has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for nonpayment of premium for a period of at least two (2) years prior to this application.

SECTION 6.. Inconsistent Resolutions All resolutions or parts thereof inconsistent with provisions of this Resolution are hereby repealed as to such inconsistency.

SECTION 7. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Resolution shall be deemed valid and effective.

SECTION 8. Effective Date. This Resolution shall take effect upon its passage.

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

Mayor Dobies opened the meeting for any comments by the public. Seeing that there were no public comments, Mayor Dobies closed the public portion of the meeting.

The meeting was adjourned by Council President DiMura seconded by Councilman Kaplan and carried by a unanimous vote of Council.

Respectfully yours,

Kathleen Anello
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JANUARY 8, 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

PRESENTATIONS

Michelle Lerner of the Animal Protection League of New Jersey attended the meeting to discuss Trap-Neuter-Return: humane and effective feral cat control.

Ms. Lerner indicated that Middlesex Borough is estimated to have approximately 2,000 feral cats that are not vaccinated and reproducing. She discussed the statistics of cats that had been impounded and euthanized in the last few years, and also the complaints that have been received.

Ms. Lerner explained why the trap and kill approach does not work which included: (a) must remove at least 75% of the cats every year to reduce population, (b) animal control officers cannot remove enough cats on their own to reduce the population; (c) the expensive cost of trap and kill, including the time involved; (d) does not control rabies; and (e) residents do not cooperate. Feeding bans also do not work to reduce the feral cat population.

Ms. Lerner explained how and why the Trap-Neuter-Return process works. The TNR is accepted or endorsed by the NJ Department of Health and Senior Services, and in excess of 150 New Jersey towns implement or allow TNR. At least 45 towns have ordinances or resolutions, and the other towns have policies, contracts, or informal arrangements. Animal Control Officers or health officers do assist with TNR in many towns and many towns also work with Nonprofit organizations.

The basic structure of municipal TNR programs include an oversight entity, caretakers and animal control. The oversight entity (sponsor) could be a nonprofit organization, committee or

animal control officer. This sponsor would register, support, monitor caregivers, maintain records, raise funds and provide training or access to training. The caregiver's responsibilities would be to establish baseline county, identify friendly adults to remove for adoption, identify kittens to remove for adoption, ongoing feeding, monitoring, cleaning and notify oversight entity of any new arrivals or medical problems. The Animal Control Officer is responsible to report nuisance complaints related to TNR's cats to the sponsor and allow time to resolve or remove cat absent emergency. If it is a trap ear-tipped cat, return to sponsor or caregiver or notify/allow retrieval for return, treatment, adoption and/or relocation, and possibly assist with TNR.

Recommendations for Middlesex include (1) Nonprofit to work with oversight entity (Paws for Peace); (2) Policy allowing TNR and setting guidelines and (3) exempt from individual licensing requirements. Ms. Lerner also recommended that the Borough amend their impoundment ordinance which indicates that unlicensed animals are impounded for 5 days, and NJ law requires it to be 7 days.

Ms. Lerner also recommended that the borough or the non-profit organization can apply for grants for funding, (PetSmart Charities provide grants to municipalities) and other foundations also provide grants. Ms. Lerner offered her assistance in finding these grants and can structure grant request. She also suggested that on the license applications we consider putting a donation space to help contribute to this TNR program.

Mayor Dobies referred this matter to the Councilman Schueler's Administration Committee to review and return to council to discuss at the February 26, 2013 Regular Meeting.

PROCLAMATIONS-NONE

PUBLIC HEARINGS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1821-13 by title for introduction.

**BOROUGH OF MIDDLESEX
ORDINANCE NO. 1821-13**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX -CHAPTER
100, SHADE TREE COMMISSION, SECTION 100-2 MEMBERSHIP**

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

Amendment to Chapter 100, Section 100-2 Membership shall read as follows:

The Shade Tree Commission shall consist of five members, appointed by the Mayor, who shall be residents of the Borough of Middlesex, who shall serve without compensation. The Mayor shall also appoint 2 alternate members who shall have the right to attend all meetings of the Commission and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall

serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only.

APPOINTMENTS

Mayor Dobies moved to accept the resignation of Ms. Claire Levourne from the Shade Tree Commission seconded by Councilman DiMura and carried by a unanimous vote of Council. Mayor Dobies moved to appoint Jack Jenkins to the Shade Tree Commission seconded by Councilman Kaplan and carried by a majority vote of Council (Abstain: Councilwoman Jenkins).

ADOPTION OF MINUTES

Council President DiMura moved the approval of the November 20, 2012 and December 18, 2012 Executive Session Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the December, 2012 Finance Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
 - (b) Council President DiMura moved to reinstate the \$250.00 threshold for purchase orders without needing the approval of the Finance Committee seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light – Councilman Dotey had nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad
 - (a) Councilman Kaplan requested that the Board of Health have access to use the Borough Environmental Attorney to attend a Board of Health meeting to discuss odor issues. Council approved.
 - (b) Councilman Kaplan was contacted by Laurie Thompson who indicated that the funding for flood mitigation funding has become available and the borough must submit a Letter of Intent immediately to move forward with elevation and acquisition of flood prone properties. Council approved the submittal of a Letter of Intent.
4. Public Works/Parks/Sanitation/Recycling – Councilwoman Jenkins had nothing to report.
5. Police/Legal/Code Enforcement/Municipal Court – Councilwoman Tackach had nothing to report.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds - Councilman Schueler had nothing to report.

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 2012(B)

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 #32-13 - Resolution #38-13

Councilwoman Jenkins made a motion for approval, seconded by Councilman DiMura 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 #32-13

The Tax Collector is hereby authorized to cancel 3rd & 4th quarter 2012 property taxes in the amount of \$3,434.81 and 1st & 2nd quarter 2013 property taxes in the amount of \$3,370.80 on Block 245, Lot 4, 145 So Lincoln Ave. The homeowner has been certified as 100% totally disabled during wartime service by the Department of Veteran Affairs.

The Borough Clerk read the following resolution:

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

Resolution #33-13

The Tax Collector is hereby authorized to issue a check in the amount of \$15,950.27 to redeem tax sale certificate #2012-1805, Block 288, Lot 39, 201 Egel Avenue and to issue a check in the amount of \$23,000 to refund a tax sale premium. The checks are to be made payable to:

FWDSL & Associates LP
290 US Highway 22 West
Green Brook, NJ 08812

The Borough Clerk read the following resolution:

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

Resolution #34-13

WHEREAS, Joseph & Diane Diefenbacher was issued a street opening permit on 06/19/12; and

WHEREAS, Joseph & Diane Diefenbacher deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 2 Starlit Drive was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Joseph & Diane Diefenbacher, 2 Starlit Drive, Middlesex NJ 08846, for refund of Street Opening Permit No. 2012-005.

The Borough Clerk read the following resolution:

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

Resolution #35-13

WHEREAS, Stewart Robel was issued a street opening permit on 12/23/09; and

WHEREAS, Stewart Robel deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 610 Drake Avenue was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of, Stewart Robel, 68 George Avenue, Middlesex NJ 08846, for refund of Street Opening Permit No. 2009-007.

The Borough Clerk read the following resolution:

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

Resolution #36-13

RESOLUTION APPOINTING MICHELE TACKACH AS THE MAYOR'S REPRESENTATIVE AND VIC CAPOLUNGI AS THE GOVERNING BODY REPRESENTATIVE TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR 2013

WHEREAS, it is necessary for the Borough of Middlesex to appoint a representative to the Middlesex County Housing & Community Development for the year 2013; and

WHEREAS, the Borough of Middlesex is authorized to have a representative appointed to this Committee, one to be appointed by the Mayor and one to be appointed by the Governing Body; and

WHEREAS, the Mayor has appointed Michele Tackach as his Class I representative to the Housing and Community Development Committee for 2012; and

WHEREAS, the Governing Body has appointed Vic Capolunghi as their representative to the HUD Committee.

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

1. The Mayor hereby appoints Michele Tackach as the Class I representative and the Governing Body hereby appoints Vic Capolunghi as its representative to the Middlesex County Housing & Community Development Committee for the year 2013.
2. The Borough Clerk is hereby authorized and directed to send a letter to the Housing & Community Development Committee advising the Committee of names, addresses and telephone numbers of the two people who will be serving as representatives for the Borough of Middlesex to the Housing & Community Development Committee for 2013.
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 #37-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR BOROUGH CONFLICT PUBLIC DEFENDER TO CARL A. TAYLOR III

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Carl A. Taylor III, 31 East High Street, Somerville, New Jersey as the Borough Conflict Public Defender for the Borough of Middlesex for the year 2013.

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

1. Carl A. Taylor III whose office is located at 31 East High Street, Somerville, New Jersey is hereby appointed as the Borough Conflict Public Defender for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

The Borough Clerk read the following resolution:

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

Resolution #38-13

Authorizing the Mayor and Borough Clerk to execute the Solid Waste Disposal Agreement between the Borough of Middlesex and the Middlesex County Utilities Authority for a term commencing on January 1, 2013 – December 31 2015.

The Borough Clerk read the following resolution:

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

Resolution #39-13

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.

Council President 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

1. Swim Pool Fee Increase – Mayor Dobies met with the Swim Pool Manager and discussed this increase and his concerns regarding an increase to senior citizens.
2. Personnel Policy – This policy was referred to the Administration Committee to review and make recommendations at the January 22, 2013 Regular Meeting.

PUBLIC COMMENTS

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

Ed Johnson, 216 Hazelwood Avenue indicated that the Planning Board made an update to the Master Plan in June, and mentioned that there are a lot of poor recommendations put into the master plan. One recommendation is that the area in town with split zones should be corrected and follow the property lines (follow lot lines). He is concerned that the governing body has not made recommendations with respect to revisions proposed by the Planning Board. At this point if an applicant looks at the recommendations that have been made that are poor recommendations, they could argue that this is the intent of the town and the future. This update was done in June and there hasn't been any response to date from the governing body to the Planning Board. He requests that the Governing Body look at this plan and advise the Planning Board so that they can consider the recommendations of the council as soon as possible.

Pete Wasniak, 1200 Sheridan Avenue discussed (1) if the Shade Tree was a paid position and the relationship of Councilwoman Jenkins and Jack Jenkins of the Shade Tree (2) if there was a conflict with Councilman Schueler and his wife on the Board of Education with regard to the Board of Education litigation (3) the appropriation reserves from 2011 (4) the reserves from the Hurricane and (5) the deferred charges from Sandy; and (6) safety issues he was working on with Councilman Kaplan.

Rich Thomasey, 109 Green Avenue concerned that the field and track are closed and mentioned that the damage on the track is very minor, and a repair kit for \$300.00 would suffice to fix the 47 dings that are on the track. Mr. Thomasey also mentioned that the problem involving the Board of Education is communication, control, competence and ego and he resents his tax dollars paying legal fees because they cannot agree on a policy to cut the grass.

John Hoffman, 455 Lincoln Boulevard discussed (1) the Shade Tree Commission handling of the Cuba property on Greene Avenue, (2) the percentage of municipalities involved in the TNR program and how many municipalities have ordinances in place (3) Property Maintenance on Lincoln Boulevard (4) the discrepancy in the number of cats on the church property and why they were told it was not zoned for animals; (5) barber shop in his neighborhood (6) snow shoveling of businesses; (7) neighborhood dogs defecating on his property (8) business customers that block his property (9) the reduction in the size of his curb after the County resurfaced Lincoln Boulevard; (10) the standing water that now freezes since the resurfacing was done (11) New Journey (12) Spray Tec polluting the area; (13) the Middlesex County Health Officer's enforcement of specific items; (14) amount of accidents at the 4 intersections of Lincoln Boulevard; and (15) prioritizing issues that need to be addressed.

Monica Hassler, 135 Harris Avenue agrees with Mr. Hoffman, but does not understand Mr. Hoffman's hatred for the cats.

Mayor Dobies addressed all issues that were discussed in the public.

Seeing that there was no further public comment, 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 #40-13

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. Litigation – Board of Education
2. Increases for Part Time Employees

Councilwoman Jenkins 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 Kaplan and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JANUARY 22, 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

PRESENTATIONS-NONE

PROCLAMATIONS-NONE

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1821-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

BOROUGH OF MIDDLESEX

ORDINANCE NO. 1821-13

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH
OF MIDDLESEX -CHAPTER 100, SHADE TREE
COMMISSION, SECTION 100-2 MEMBERSHIP

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

Amendment to Chapter 100, Section 100-2 Membership
shall read as follows:

The Shade Tree Commission shall consist of five members, appointed by the Mayor, who shall be residents of the Borough of Middlesex, who shall serve without compensation. The Mayor shall also appoint 2 alternate members who shall have the right to attend all meetings of the Commission and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one

alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only.

Mayor Dobies opened the Public Hearing on Ordinance No. 1821-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1821-13.

Council President DiMura 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.

NEW BUSINESS-NONE

APPOINTMENTS

Mayor Dobies appointed Audrey Power to the Board of Health as Alternate #2 and John Ericson to the Sustainable Energy Committee.

ADOPTION OF MINUTES

Council President DiMura moved the approval of the December 18, 2012 Regular Meeting Minutes, January 8, 2013 Regular Meeting Minutes and the January 1, 2013 Reorganization 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

- a. Schedule of Budget Meeting – Council agreed to hold budget meetings on February 9 & February 16th beginning at 9 a.m. The CFO will schedule all department heads.
 - b. Update of 100th Anniversary Celebration - Council President DiMura mentioned that several events have been scheduled throughout the year for this celebration which will be included on the website. These events include a GPS Hunt on April 13, Concert on May 4, Opening of the time capsule & Emergency Services Day on May 18, fishing derby on June 8, and the 100th Anniversary Track & Field Day on June 23rd. The main day of Celebration and Fireworks will be held on July 20th.
2. Recreation/Recreation Fields/Water & Light
 - a. Councilman Dotey moved the approval of the January, 2013 Recreation Director's Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
 - b. Councilman Dotey stated that 45 registrations have been accepted for the toddler program and there are presently 69 participants interested in running the 100th Anniversary Race scheduled for June.
3. Fire/OEM/Board of Health/Rescue Squad
 - a. Grant Update – Second Round of Buy Outs - Councilman Kaplan stated that the second round of buy outs has opened and the letter of intent is due on February 8th. This round is for elevation and acquisition projects. Management Grant for Shade Tree -Laurie Thompson has offered free of charge to apply for the Community Forestry Management Plan Grant. Once this grant is received, we can move forward and apply for the next grant of \$25,000 that is offered to complete the management plan. Councilman Kaplan made a motion to have Laurie Thompson apply for this grant seconded by Council President DiMura and carried by a unanimous vote of Council.
 - b. Discussion & Recommendation on Rehab of the Trailer - Councilman Kaplan mentioned that the Hazmat trailer is not being used, and he has spoken with the

CFO and auditor to discuss that Middlesex County is interested in this trailer and they are willing to give us \$3,000 worth of training for the trailer. The auditor confirmed that we can donate this trailer once removed from our inventory. The County will continue to be called in for all spills. A letter of intent will be done to cover the swapping of this trailer and the county training. Councilman Kaplan made a motion to donate and remove from inventory the old hazmat trailer seconded by Councilman Schueler and carried by a unanimous vote of council.

- c. Councilman Kaplan made a motion to approve Lincoln Fire Company take their truck to Somerville on March 10, 2013 for the St. Patrick's Day parade seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - d. Councilman Kaplan made a motion to approve Parker Fire Company take their truck to Avenel on June 8, 2013 for their 100th Anniversary Celebration seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - e. Councilman Kaplan stated that the Middlesex Fire Department Carnival is set for April 22 – 27.
 - f. Councilman Kaplan mentioned that May 18th is the Emergency Services Day and he would like the Rescue Squad to work with the Fire Department. He also requested that Councilman Schueler reach out to the Board of Health to participate at this event.
4. Public Works/Parks/Sanitation/Recycling
- a. Councilwoman Jenkins moved the approval of the October/November/December DPW Monthly Reports seconded by Councilman DiMura and carried by a unanimous vote of Council.
 - b. Engineer-Master Plan for Roads, Parks & Fields- Councilwoman Jenkins requested permission for Rob Heisch and Jim Ianetti to reach out to the engineer for a maintenance plan for the roads, parks and fields, which would include the secondary roads and preparing a 5 year plan. Council approved this request.
 - c. Councilwoman Jenkins stated that a great job was done by the DPW with the cleanup of Superstorm

Sandy and the DPW is presently street sweeping and requested that the public not dump any leaves in the street.

5. Police/Legal/Code Enforcement/Municipal Court
 - a. Councilwoman Tackach congratulated Sergeant Geist for his acceptance into the FBI National Academy in Virginia beginning in April.
 6. Administration/Office on Aging/Legislation/License/Buildings & Grounds
 - a. Personnel Policy – Mayor Dobies will meet with Councilman Schueler to discuss and a resolution will be adopted at the next meeting.
-

REPORTS

Mayor

1. Swim Pool Fee Increase – Mayor Dobies met with Bud Crede to discuss and is recommending that the non-residents be charged more than the residents. Mr. Crede recommended that this be discussed at the next Swim Pool Meeting.
 2. Recommending Opening up Certain Areas of Mountain View Park – The council discussed the various fields that they would like to remain closed at this time and a resolution will be adopted this evening.
 3. Borough Directory & Newsletter – Mayor Dobies is looking into pricing out a Directory or newsletter being done in Our Town, which would save the cost of postage. The first publication of newsletter would include both the directory and newsletter. Also suggested was putting the newsletter on the website and have copies available at the Recreation Center, Library and Borough Hall. Mayor Dobies is looking at all options.
 4. Mayor Dobies will circulate copies of the 2 part time applicants that have been chosen by the DPW Assistant Superintendent & Bob Teutsch for part time employment in the DPW.
-

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(C)

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 #45-13 and #47-13 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 #41-13 - Resolution #44-13

Resolution #46-13

Resolution #48-13 – Resolution #51-13

Councilman Schueler made a motion for approval, seconded by Council President DiMura 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 #41-13

WHEREAS, Jeffrey Buccellato received Building Permit No. 20120199 on 04/13/2012 to build a new two-family dwelling at

808-810 Voorhees Avenue; and

WHEREAS, Jeffrey Buccellato submitted check #3574 dated 04/13/2012, payable to the Borough of Middlesex for payment of said Building Permit; and

WHEREAS, Jeffrey Buccellato is no longer building a two-family dwelling; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$ 2647.20 in favor of Jeffrey Buccellato, 313 Beechwood Avenue, Middlesex NJ 08846, for refund of fee for Building Permit #20120199.

The Borough Clerk read the following resolution:

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

Resolution #42-13

The application for renewal of Towing Licenses for the year 2013 for Dick Hart's Auto Body, Tierno's Automotive Inc., Rescue Wreckers, Somerset Hills Towing, Lincoln Auto Body and Auto Enhancement & Auto Body Shop, Inc. have been approved by the Police Department and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

The Borough Clerk read the following resolution:

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

Resolution #43-13

Authorizing the Mayor and Borough Clerk to execute the 2013 Municipal Alliance Contracts with the County of Middlesex which provide funds to the Drug Alliance to allow them to continue to deliver successful substance abuse prevention programs in the Borough.

The Borough Clerk read the following resolution:

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

Resolution #44-13

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

WHEREAS, On January 8, 2013 Chief Young recommended Police Officer James Dolinski 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 James Dolinski be and is hereby advanced in grade to Patrolman Class "D" effective January 24, 2013 at an annual salary \$68,864.

The Borough Clerk read the following resolution:

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

Resolution #46-13

The governing Body hereby accepts the resignation of Richard Sahli as a School Crossing Guard effective January 1, 2013.

The Borough Clerk read the following resolution:

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

Resolution #48-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE
FOR

INSTALLATION OF (2) NEW ANTENNAS ON CELL TOWER

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase installation of (2) new antennas 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, Tactical Public Safety, LLC is under State Contract No. 53753 for the year 2013; and

WHEREAS, the cost for the purchase of the workstation is not to exceed \$9,272.95; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of installation of (2) new antennas is ordered under State Contract No. 53753 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$9,272.95 is available in Account No. 04-1797-00-1797-86.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of

Middlesex that:

Resolution #49-13

The application for a 2013 Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

End Zone Lounge Table	(1) Pool \$150.00
425 Bound Brook Rd. Machine	(2) Amusement \$300.00
Machine	(1) Music \$100.00
Ellery's Grill Machines	(4) Amusement \$600.00
701 Lincoln Boulevard Machine	(1) Music \$100.00
Ferraro's Pizzeria & Pub Machine	(1) Music \$100.00
275 Lincoln Boulevard	
American Legion Machines	(2) Amusement \$300.00
707 Legion Place	
Tim Kerwin's Tavern Machines	(5) Amusement \$750.00
353 Bound Brook Rd. Machine	(1) Music \$100.00

TOTAL \$2500.00

The Borough Clerk read the following resolution:

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

Resolution #50-13

Accepting the Mission Statement of the Middlesex Borough Municipal Alliance Committee which was adopted by the governing body by Borough Ordinance No. 1187 dated March 13, 1990.

The Borough Clerk read the following resolution:

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

Resolution #51-13

WHEREAS, Resolution #292-12 was adopted by the governing body on December 18, 2012 to authorize the closure of the following recreational properties until further notice:

- a. The football field located at the Middlesex Borough High School
- b. The Borough baseball fields and softball fields
- c. The soccer fields located at Mountain View Park
- d. The northern portion of Mountain View Park
- e. The field immediately west of the football field; and

WHEREAS, the governing body wishes to reopen certain recreational properties at this time, as it has been determined that they are safe for use by the residents of the Borough and the public.

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 of the Borough of Middlesex hereby authorize that the following recreation properties are reopen to the public:
 - a. The Borough baseball fields and softball fields
 - b. The soccer fields located at Mountain View Park
 - c. The field immediately west of the football field (The former Girls Field Hockey Field)
2. The Mayor and Council of the Borough of Middlesex hereby authorize that the following recreation properties are to remain closed:
 - a. The football field located at the Middlesex Borough High School
 - b. The northern portion of Mountain View Park.
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 #45-13

WHEREAS, the NJDEP is requesting that the Borough execute a copy of the Temporary Discharge Approval Application for allowing groundwater to be pumped into the sanitary sewer at the Neighborhood Garage Site located at 1213 Bound Brook Road and be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, the NJDEP is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via the Borough of Middlesex' wastewater collection system; and

WHEREAS, the NJDEP is required to have the Borough's approval on a yearly basis for the temporary discharge approval, and a renewal application shall be submitted to the MCUA prior to the expiration date set forth in the Temporary Discharge

Approval Application; and

WHEREAS, Handex Consulting & Remediation, LLC, on behalf of the NJDEP will submit a certified daily flow meter reading to our Collection System operator on a monthly basis.

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. At the request of the NJDEP, Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the groundwater generated from the remediation activities at the Neighborhood Garage Site.
2. Handex Consulting & Remediation, LLC will submit a daily flow meter reading to our Collection System Operator on a monthly basis.
3. This resolution shall take effect immediately.

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

The Borough Clerk read the following resolution:

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

Resolution #47-13

The application for renewal of Junkyard Licenses for the year 2013 filed by Importico Salvage Corp., Absolute Auto-truck Salvage and Falgi, Inc. has been approved by the Police Department, Fire Official and Board of Health be accepted and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

Council President 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.

The Borough Clerk read the following resolution:

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

Resolution #52-13

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.

Council President 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

1. Possible Use of Nuisance Ordinance for Odors in Town – Council President DiMura discussed his concern with the lack of cooperation from the County and the DEP on our odor complaints and questioned if we can enforce our nuisance ordinance to deal with these odors. Council President DiMura is referencing odors that are not health risks, but obnoxious odors. Council President DiMura stated that Chapter 317 discusses obnoxious odors, but it is very vague. This chapter references the enforcement of this problem be done by the Construction Official, and a 30 day notice be given to remediate the odor. Council President DiMura feels that the enforcement officer is the local police and would recommend that the 30 day period be eliminated. Council discussed this matter and it was

recommended that the nuisance ordinance be amended by the Borough Attorney and a draft will be sent to Council President DiMura.

2. General Quality of Life Issues – Council President DiMura indicated that he has noticed when driving around that garbage has been put out for a week, and bulk is put out in front of houses. He is requesting that all departments, DPW and Police to work with our code enforcer and write these locations down, so that we can clean up our community. Also Council President DiMura would like to look into the Keep New Brunswick Clean Program and work through the DPW. Mayor Dobies will follow up on this matter by the first meeting in February. The Borough Clerk will get information on the Keep New Brunswick Clean Program.
3. Ordinance Regulating Multi-families throughout the Borough – This was sent to the Administrative Committee to review.
4. Plowing of Elks Parking Lot - Council approved the plowing of the parking lot as it is used as a borough emergency shelter.

PUBLIC COMMENTS

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

John Ericson, 209 Second Street discussed the cleaning up of the debris in the streams and also was against increasing the membership fees for senior citizens that are residents of the borough.

Pete Wasniak, 1200 Sheridan Avenue discussed the Municipal Alliance Contract with the County and the status of the discussion on the aggregation of energy for residents.

Kevin Ruzinski, 441 Fairview Avenue discussed the OEM trailer, and the cost and need of the new trailer.

Tom Harrity, 107 Ramsey Road recommended that with regard to the odor and nuisance ordinance they need to revamp and

increase the fines.

John Hoffman, 455 Lincoln Boulevard discussed (1) Trash and recycling information in the Directory, (2) Monitoring with regard to the Temporary Discharge Approval (3) Property Maintenance – Chapter 317 the Storage of certain materials and equipment restricted (4) OLMV dumpster (5) Junkyard on Lincoln Boulevard (6) Clutter of trash on Cedar Avenue & Drake Avenue (7) Concern with Counsel comments made at the Planning Board Meeting; (8) Abandoned vehicle; (9) Raritan Ordinance No. 2010-13 – Structural Deterioration and (10) Wilton Avenue – now a transfer station.

Mayor Dobies addressed all issues that were discussed in the public.

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

Mayor Dobies stated that he will also be addressing in executive session potential litigation for buy outs.

The Borough Clerk read the following resolution:

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

Resolution #53-13

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. DPW Possible Settlement between William Battista and the Borough of Middlesex
2. Increases for Part Time Employees
3. Board of Education Litigation

Councilwoman Jenkins 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.

The Borough Clerk read the following resolution:

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

Resolution #54-13

Borough Resolution #261-12 adopted on November 20, 2012 is hereby rescinded effective January 14, 2013.

Councilman Kaplan made a motion for approval, seconded by Council President DiMura and carried by the following roll call vote: Ayes: Members 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 #55-13

The Mayor is hereby authorized to execute the Board of Education Facility Use Agreement and the Athletic Fields & Facility Use Agreement between the Borough of Middlesex and the Middlesex Board of Education effective January 14, 2013.

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, and Tackach. Nos.: None. Abstain: Schueler

The Borough Clerk read the following resolution:

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

Resolution #56-13

The Mayor is hereby authorized to execute the Memorandum of Agreement between Local 255, United Service Workers Union, IUIT, William Battista and Borough of Middlesex effective January 15, 2013.

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

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC

Borough Clerk

BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
FEBRUARY 12, 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
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PRESENTATIONS-NONE

PROCLAMATIONS-NONE

PUBLIC HEARINGS-NONE

NEW BUSINESS

Mayor Dobies stated that he will be removing Health Benefits Reimbursement and Litigation from the Zoning Board from the Executive Session Meeting and will be adding to the Agenda for the Executive Session the Appointment of the Planning and Zoning Board Attorney and New Journey - Litigation.

The Borough Clerk read Ordinance No. 1822-13 by title for introduction.

ORDINANCE NO. 1822-13

AN ORDINANCE TO AMEND CHAPTER 367 SWIMMING POOL, MUNICIPAL, SECTION 367-2 MEMBERSHIP, SECTION 367-3 FEES AND CHARGES AND SECTION 367-5 GENERAL RULES AND REGULATIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX

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

Section 367-2 Membership is amended to read as follows:

- A. There shall be three types of membership:
 1. Family Membership, which shall include:
 - a. Both parents/legal guardians or either of them
 - b. All children of such parents who are residing with them until the age of 26
 2. Individual membership, which shall be available to any person who shall have reached the age of 14 years.
 3. Senior citizen membership, which shall be available to any

person who shall have reached the age of 62 years.

- B. Membership qualifications; guests.
 - 1. Membership shall normally be restricted to residents of the Borough of Middlesex. However, if the Commission determines that, as of May 1 of any year, the number of resident members is not sufficient to meet the projected financial obligations from projected revenue for that year, the Commission may accept applications for membership from nonresidents.
- C. Proper identification shall be issued to all members and guests and shall be required for admission to the pool.
- D. Membership shall not be transferable, and neither membership cards nor any other identification shall be used except by the persons for whom issued.
- E. Nonmembers may be admitted to the pool for instructional purposes by arrangement of the Board or Manager.
- F. Memberships issued shall not exceed 900, excluding senior citizen membership, in number based upon consideration of capacity, safety, convenience and enjoyment. In computing the total of 900 memberships, an individual membership shall be counted as 1/2 rather than as one toward the total number of memberships allowed. The Board shall maintain a waiting list and fill all applications for membership strictly in order of receipt.
- G. The Board is empowered to revoke or suspend membership in the event of members permitting unauthorized persons to use their membership cards or other identity or for furnishing false or misleading information on membership applications.

Section 367-3 Fees and charges is amended to read as follows:

Fees and charges shall be as follows:

- A. Schedule of fees.
 - 1. Resident family membership: \$225 per season if paid after April 15 of each year and \$205 if paid prior thereto.
 - 2. Resident individual membership: \$145 per season if paid after April 15 of each year and \$125 if paid prior thereto.
 - 3. Resident senior citizen membership: \$25 per season.
 - 4. Nonresident family membership: \$330 per season.
 - 5. Nonresident individual membership: 205 per season.

6. Nonresident senior citizen membership: \$50 per season.
7. Guest charges.
 - a. Weekday: \$6
 - b. Saturdays, Sundays and holidays: \$8 per day
 - c. Special weekly guest passes: \$30 per week.
- B. All fees shall be paid by the first day of full time operation each year.
- C. Fees for pool activities not otherwise covered in this chapter shall be determined by a 4/7 vote of the Board of Commissioners.
- D. No refunds will be given unless there is a waiting list for membership.

Section 367-5 General rules and regulations shall be amended to read as follows:

- A. No person in the pool area shall:
 1. Willfully mark, disfigure, damage or remove any items of property or equipment belonging to the pool area, or any signs or notices.
 2. Fail to cooperate in maintaining rest rooms and wash room in a neat and sanitary condition.
 3. Dispose of litter, paper or debris except in designated trash receptacles.
 4. Consume food or beverages except within designated areas.
 5. Park vehicles except in designated places.
 6. Have in his possession or consume any alcoholic beverage of any kind whatsoever
 7. Engage in gambling activities
 8. Bring any pets or animals on the premises.
 9. Park or deposit bicycles except in bicycle stalls.
 10. Use of park baby carriages or strollers except in designated areas.
 11. Engage in wrestling, running, ball playing or similar activities within the pool grounds.
 12. Smoke on pool ground.
 13. Engage in rough or rowdy contact or use profane or abusive language affecting the safety, comfort and enjoyment of other persons.
 14. Enter any pool offices or equipment building without authorization.
 15. Disobey any posted signs or notices.

B. Replacement of passes.

1. To reissue a new individual pass a fee of \$5.00 will be charged.

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 Section 367-2 Membership, Section 367-3 Fees and Charges and Section 367-5 General Rules and Regulations to read as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Council President DiMura made a motion to remove in Section 367-2(b)(1) "Nonresident fees shall be \$50 above the resident fees then in effect." seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan and Tackach. Nos.: None. Abstain: Schueler.

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

APPOINTMENTS

Mayor Dobies appointed Frank Ryan as Alternate #1 To the Shade Tree Commission.

ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the January 8, 2013 Executive Session Meeting Minutes and the January 22, 2013 Regular Meeting Minutes and Executive Session Meeting Minutes seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

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REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/
Insurance
 - a. Nuisance Ordinance – Council will review this ordinance and it will be introduced at the February 26, 2013 Regular Meeting.
 - b. Landlord Registration Ordinance – This Ordinance will be introduced no later than the first meeting of March.
 - c. Part Time Employee Hours – A resolution will be put on the February 26, 2013 Agenda to reduce all part time employees to 29 hours per week.
 - d. Purchase of New Garbage Truck – Council discussed purchase of new garbage truck, as the DPW presently have only 3 working trucks. Last year we lost a truck due to fire and Councilman Kaplan is still working on the reimbursement for that truck. Council President DiMura is recommending that we lease a new truck and take the payments out of recycling trust, which would have no impact on this year's budget. (3 years with \$1 buyout).
 - e. Council agreed to cancel the February 16, 2013 Budget Meeting and reschedule meetings for February 28, 2013 at 7 PM at the Library and March 2 at 9 AM at borough hall.
2. Recreation/Recreation Fields/Water & Light
 - a. Councilman Dotey reported on the February, 2013 Director's Report
 - b. Councilman Dotey stated that the Recreation Director has someone doing security at Watchung School and the issues have resolved. Also the Recreation Director has moved the date of Movie Night so that it is not a conflict with the 100th Anniversary Celebration
 - c. Middlesex 10U Travel Baseball Team has requested use of fields for a Tournament the weekend of Memorial Day. This matter was tabled until after the Public Session.
3. Fire/OEM/Board of Health/Rescue Squad

- a. Councilman Kaplan moved to accept David Bird as a member of the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - b. Recognition of Firemen for Dad Training – Councilman Kaplan recognized Ryan Zittel, Mark Rutledge, John Hein, Jim Green and Jim Rinker for attending a training class in Nevada regarding live radiation.
 - c. Councilman Kaplan discussed the radio station 1640 and although we are FCC compliant until 2021 he was advised that our system is out of date and could be brought up to speed for a nominal fee. Council President DiMura made a motion to move forward to get prices for updating the radio station seconded by Councilman Schueler and carried by a unanimous vote of Council.
4. Public Works/Parks/Sanitation/Recycling
 - a. Councilwoman Jenkins reported that DPW did a great job over the weekend with the snow storm.
 5. Police/Legal/Code Enforcement/Municipal Court – Councilwoman Tackach had nothing to report.
 6. Administration/Office on Aging/Legislation/License/Buildings & Grounds
 - a. Personnel Policy – Mayor Dobies will meet with the Labor Attorney to discuss and will then meet with the Personnel Committee.
 - b. Update on Board of Health – Councilman Schueler indicated that the Board of Health Meeting they were looking into ordinances that would include the T&R costs being picked up by non-profits with donations and grants. This was an opportunity for the Board of Health to review and provide feedback as to what is most beneficial to the community. Also, the Environmental Attorney attended the meeting to discuss Spray Tec and odors in the borough. One of the things he recommended was to review permits and to see what the particular business was permitted to do before you look at the situation of what constitutes a potential violation of the board of health or potential nuisance. This will cost money to have him review and the Board of Health would like to add some of those funds to their budget. Councilman

DiMura requested that the borough attorney reach out to the environmental attorney to see if it effects what the council is doing.

REPORTS

Mayor

1. Health Benefit Reimbursement - Mayor Dobies indicated that we have a resolution for an employee requesting to opt out of our health insurance and be reimbursed.
 2. Intermittent Employees – Action must be taken at the next meeting for the 4 intermittent employees.
 3. Master Plan – Mayor Dobies is working with Councilman Schueler.
 4. Litigation for Planning & Zoning Board Escrow Account - Legal papers have been served on our Zoning Board regarding an application.
 5. The Zoning Board Attorney has not been paid for 4 jobs because there were not enough funds in the escrow accounts to cover costs. Our attorney will contact these individuals to tell them they are deficient in the escrow accounts for these items. Work must be done to modify changes to be sure that sufficient funds are in these areas to pay for our professionals.
-

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(D)

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 #60-13 and Resolution

#70-13 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 #57-13 - Resolution #59-13 Resolution #61-13 –
Resolution - #69-13

Councilman Schueler made a motion for approval, seconded by Councilman DiMura 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 #57-13

The Tax Collector is hereby authorized to cancel 1st & 2nd quarter 2013 property taxes in the amount of \$4,423.65 and refund 2012 property taxes in the amount of \$8,847.30 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. The check should be made payable to:

Knehr, Charles D & Carol E

511 Melrose Ave

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 #58-13

The Tax Collector is hereby authorized to issue a check in the amount of \$1,045.02 to redeem tax sale certificate #2012-1811, Block 349, Lot 10, 242 Lincoln Blvd. The check is to be made payable to:

#11

FWDSL & Associates LP

5 Cold Hill Rd South

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 #59-13

The Tax Collector is hereby authorized to issue a check in the amount of \$869.79 to redeem tax sale certificate #2012-1810, Block 340, Lot 6, 224 Lincoln Blvd. The check is to be made payable to:

#11

FWDSL & Associates LP

5 Cold Hill Rd South

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 #61-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SERVICES AS BOROUGH "REDEVELOPMENT ATTORNEY" TO MICHAEL V. CRESITELLO OF THE FIRM OF DI FRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C. FOR THE YEAR 2013

WHEREAS, the Governing Body of the Borough of Middlesex wished to retain the services of Michael V. Cresitello of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., having his office located at 15 Mountain Boulevard, Warren, NJ 07059 as Redevelopment Attorney for the Borough of Middlesex for the year 2013; and

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

1. Michael V. Cresitello, of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., is hereby appointed as "Redevelopment Attorney" for the Borough of Middlesex for the period from February 12, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

The Borough Clerk read the following resolution:

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

Resolution #62-13

Hiring of Robert Hudson, 128 Benart Place, Middlesex, New

Jersey as a volunteer driver for the Office of Senior Services effective immediately, pending a satisfactory driving abstract.

The Borough Clerk read the following resolution:

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

Resolution #63-13

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 CropScience, 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 #64-13

The Mayor and Borough Clerk are authorized to execute the Interlocal Services Hazardous Materials Cost Recovery Agreement with the County of Middlesex for a term expiring December 31, 2013.

The Borough Clerk read the following resolution:

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

Resolution #65-13

The governing body hereby declares the Fire Department Hazmat Trailer, Identification No. 316HGB24284P036846 surplus effective immediately.

The Borough Clerk read the following resolution:

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

Resolution #66-13

The governing body hereby approves the donation of the Fire Department Hazmat Trailer, Identification No. 316HGB24284P036846 to the County of Middlesex in lieu of \$3000.00 worth of training for the borough emergency services.

The Borough Clerk read the following resolution:

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

Resolution #67-13

The Tax Collector is hereby authorized to issue a check in the amount of \$9,242.40 to redeem tax sale certificate #2012-1808 and a tax sale premium in the amount of \$10,000, Block 309, Lot 25, 651 Drake Avenue. The check is 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 #68-13

"A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2013 BUDGET

A Temporary Budget in the amount of \$6,130,181.81 to provide for the payment of claims and salaries including debt service payments between the first day of January 2013 and the adoption of the 2013 budget be set up as follows:

GENERAL GOVERNMENT OPERATIONS:

Building & Grounds O/
E \$ 20,000.00

Beautification O/
E \$
1,000.00

TOTAL 3,767,405.00

26.25% of the 2011 General Appropriation in the 2012 budget =
\$4,303,882.97

TOTAL 6,130,181.81

The Borough Clerk read the following resolution:

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

Resolution #69-13

WHEREAS, Beechwood Heights Fire Company No. 2 has requested to hold fund raising within the borough of Middlesex by conducting three coin tosses within the borough at the intersections of Route 28 and Greenbrook Road; and

WHEREAS, Beechwood Heights Fire Company No. 2 would like to conduct these coin tosses on June 8, 2013 (Alternate Date June 15, 2013), August 10, 2013 (Alternate Date August 17, 2013) and October 19, 2013 (Alternate Date October 26, 2013 from 9 a.m. – 12 p.m.); and

WHEREAS, Beechwood Heights Fire Company No. 2 has met all of the criteria required in Middlesex Borough Ordinance No.

1747-09, with the exception of the approval of the New Jersey Department of Transportation.

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

1. The Governing Body hereby approves Beechwood Heights Fire Company No. 2 conduct coin tosses on June 8, 2013 (Alternate Date June 15, 2013), August 10, 2013 (Alternate Date August 17, 2013) and October 19, 2013 (Alternate Date October 26, 2013) from 9 a.m. – 12 p.m. at the above locations, pending receipt of approval from the New Jersey Department of Transportation.
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 #60-13

WHEREAS, bids were received on December 28, 2012 for Aquatic Engineering Services for the lap pool expansion project and improvements to the existing Middlesex Community Pool complex; and

WHEREAS, there was one bid received which is listed below:

TOTAL

Integrated Aquatics Engineering Inc.

75 Shewell Avenue

Doylestown, PA 18901

\$56,400

NOW THEREFORE BE IT RESOLVED by the Mayor and Council

of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. At the recommendation of the Middlesex Community Pool Commission and the Purchasing Agent, the Governing Body hereby awards the contract to provide Aquatic Engineering Services in the amount of \$56,400 to Integrated Aquatics Engineering Inc.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that funds in the amount of \$56,400 are available in account number 05-2010-01-7001-10.

Council President DiMura made a motion to table this resolution until the February 26, 2013 Meeting, 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 #70-13

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 expired on January 1, 2011; and

WHEREAS, the governing body adopted Resolution No. 32-12 to retain the services of Dennis Fackelman as the municipal magistrate for the Borough of Middlesex for a three year term commencing as of January 1, 2012; and

WHEREAS, the governing body wishes to correct Resolution No. 32-12 to clarify the term for the municipal court judge

commences on January 1, 2011; 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 commencing January 1, 2011.
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.

Councilman Dotey 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 #71-13

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.

Council President 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

1. Update on J&G Tire Repair - Mayor Dobies will supply a report to the Council once he speaks with the Construction Official.
-

PUBLIC COMMENTS

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

Dave Oliver, 216 Ashland Road, appointed representative to the Board of Education. Mr. Oliver mentioned that the BOE members are delighted that both the borough and BOE have come to an agreement. Mr. Oliver also requested an update on the repairs for the track.

Pete Wosniak, 1200 Sheridan Avenue is delighted that we have overcome differences between the council and the Board of Education without costly litigation. Mr. Wosniak also questioned the Campbell Foundry Company bill listed on the bill list.

John Hoffman, 455 Lincoln Boulevard discussed (1) the purchase of a new garbage truck (rear end loader), (2) who should pay the fees for private organizations to hold events (3) Parente Tournament and drinking (4) Distribution of HUD funds regarding salaries; (5) the status of New Journey; and (6) Grand Disposal and the 30 roll off containers on the property.

John Erickson, 209 Second Street discussed the replacement plan for the garbage trucks.

Rock Yos, Drew Reynolds of the Middlesex 10U Travel Baseball Team requested to have use of 5 fields in the borough for Memorial Day Weekend for a tournament. They requested that a decision be made this evening because they need to advertise ASAP in order to get all the teams for this tournament. Mayor Dobies proposed that their organization police the fields and pick up and bag the garbage, and the borough will have the DPW pick

up the garbage on Tuesday.

Bill Moore, 165 Barbara Place questioned the status of the boulders at Victor Crowell Park and also mentioned that over 60% of the houses and businesses in the borough are without house numbers.

Brian Pichicola, 95 Wilton Avenue discussed the business located on his block that has applied for variances to store waste and indicated that he did not receive a 200 foot notice about this variance.

Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, 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 #72-13

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. Health Benefits Reimbursement
2. Board of Education Litigation
3. Litigation from the Zoning Board

Councilwoman Tackach 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 Kaplan and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC

Borough Clerk

BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
FEBRUARY 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 (absent)

Council President:

Ron DiMura

Kevin Dotey

Sean Kaplan

Patricia Jenkins

Bob Schueler

Michele Tackach

Attorney:

Aravind Aithal

Council President DiMura stated that Mayor Dobies took a fall at his home and has been out rehabilitating and is scheduled to return on March 4.

Council President DiMura also will be adding to the Executive Session a DPW Personnel Matter.

PRESENTATIONS

Jerome Sheehan the Collection System Operator identified issues in the borough sewer system that he felt should be addressed.

1. There is a development of four homes on Wagner Street and Williams Street that appears to be sending rain water and/or sump pump discharges. Tom has observed large flows in the borough's sewer line on Wagner Street during rain events that can only be the result of rain water entering the system. These houses were constructed with dry wells into which all of the roof leaders, a driveway drain and the sump pump discharge. Tom placed dye into one of the driveway drains during a rain event. The dye immediately showed up in the borough's sewer system. This flow goes through the Piscataway meter, for which of the borough is paying the Piscataway surcharges. We need to investigate this problem further. This will require a letter to the homeowners advising them of our need to enter their property. If they block access, we would need to get the lawyers involved. Council approved issuing letters to homeowners.
2. Piscataway has televised the sewers in the Piscataway meter area. There were a number of problems uncovered that should be addressed. The problems include broken pipe, grease build up and root infiltration. The municipal engineer should review the reports with Tom Moskal.
3. The sewage flow from Texas Pipe on Factory Lane appears to increase in wet weather. This site is very large and may have openings in the sewers that the owner is unaware of. We may want to install a temporary meter to determine how their flow responds to rainfall. Council agreed that the engineer will discuss with Jerry Sheehan.
4. George Avenue appears to have a continuous large amount

of infiltration. This line was televised a few years back but no obvious sources were found. We should revisit this problem to determine if replacing the sewer line would be cost effective. Council agreed to have the engineer look into this matter and have DPW camera the line.

5. Jerry Sheehan spoke with Spraytech. Spraytech is tied directly into a Piscataway sewer and they have the same complaints as the borough does about Piscataway's surcharge on the sewer bill. They appeared to be willing to participate in a construction project that would divert their flow to the borough. The borough could construct a pumping station near the meter chamber. A force main could then be run along the railroad tracks, tying into the borough's line that leads to the MCUA meter on River Road near Factory Lane. Spraytech would pump their sewage into the new force main. Viola and Bayer Crop Science could also pump into the force main, allowing both to increase their flows. They would then also participate in the cost of the project. Although this project is still unlikely to be cost effective it may be worthwhile to conduct a feasibility study to determine if these industries would join in the project, how much they would be willing to pay and the cost to the borough. Councilman Kaplan requested that we see the last couple sewer bills from Piscataway and what they put down their line before we entertain the options. Before we sit down with Spraytech, Jerome Sheehan will look into this matter and get information requested from Middlesex County. Also, council approved reaching out to our engineer for a cost to do a feasibility study on this suggestion.

PROCLAMATIONS

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1822-13 by title saying it had been posted on the bulletin board and made available for

any person who wanted a copy.

ORDINANCE NO. 1822-13

AN ORDINANCE TO AMEND CHAPTER 367 SWIMMING POOL, MUNICIPAL, SECTION 367-2 MEMBERSHIP, SECTION 367-3 FEES AND CHARGES AND SECTION 367-5 GENERAL RULES AND REGULATIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX

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

Section 367-2 Membership is amended to read as follows:

- A. There shall be three types of membership:
 - 1. Family Membership, which shall include:
 - a. Both parents/legal guardians or either of them
 - b. All children of such parents who are residing with them until the age of 26
 - 2. Individual membership, which shall be available to any person who shall have reached the age of 14 years.
 - 3. Senior citizen membership, which shall be available to any person who shall have reached the age of 62 years.
- B. Membership qualifications; guests.
 - 1. Membership shall normally be restricted to residents of the Borough of Middlesex. However, if the Commission determines that, as of May 1 of any year, the number of resident members is not sufficient to meet the projected financial obligations from projected revenue for that year, the Commission may accept applications for membership from nonresidents.
- C. Proper identification shall be issued to all members and guests and shall be required for admission to the pool.
- D. Membership shall not be transferable, and neither membership cards nor any other identification shall be used except by the persons for whom issued.
- E. Nonmembers may be admitted to the pool for instructional purposes by arrangement of the Board or Manager.
- F. Memberships issued shall not exceed 900, excluding senior citizen membership, in number based upon consideration of capacity, safety, convenience and enjoyment. In computing the total of 900 memberships, an individual

membership shall be counted as ½ rather than as one toward the total number of memberships allowed. The Board shall maintain a waiting list and fill all applications for membership strictly in order of receipt.

- G. The Board is empowered to revoke or suspend membership in the event of members permitting unauthorized persons to use their membership cards or other identity or for furnishing false or misleading information on membership applications.

Section 367-3 Fees and charges is amended to read as follows:

Fees and charges shall be as follows:

- A. Schedule of fees.
 - 1. Resident family membership: \$225 per season if paid after April 15 of each year and \$205 if paid prior thereto.
 - 2. Resident individual membership: \$145 per season if paid after April 15 of each year and \$125 if paid prior thereto.
 - 3. Resident senior citizen membership: \$25 per season.
 - 4. Nonresident family membership: \$330 per season.
 - 5. Nonresident individual membership: 205 per season.
 - 6. Nonresident senior citizen membership: \$50 per season.
 - 7. Guest charges.
 - a. Weekday: \$6
 - b. Saturdays, Sundays and holidays: \$8 per day
 - c. Special weekly guest passes: \$30 per week.
- B. All fees shall be paid by the first day of full time operation each year.
- C. Fees for pool activities not otherwise covered in this chapter shall be determined by a 4/7 vote of the Board of Commissioners.
- D. No refunds will be given unless there is a waiting list for membership.

Section 367-5 General rules and regulations shall be amended to read as follows:

- A. No person in the pool area shall:
 - 1. Willfully mark, disfigure, damage or remove any items of property or equipment belonging to the pool area, or any signs or notices.
 - 2. Fail to cooperate in maintaining rest rooms and wash room

in a neat and sanitary condition.

3. Dispose of litter, paper or debris except in designated trash receptacles.
 4. Consume food or beverages except within designated areas.
 5. Park vehicles except in designated places.
 6. Have in his possession or consume any alcoholic beverage of any kind whatsoever
 7. Engage in gambling activities
 8. Bring any pets or animals on the premises.
 9. Park or deposit bicycles except in bicycle stalls.
 10. Use of park baby carriages or strollers except in designated areas.
 11. Engage in wrestling, running, ball playing or similar activities within the pool grounds.
 12. Smoke on pool ground.
 13. Engage in rough or rowdy contact or use profane or abusive language affecting the safety, comfort and enjoyment of other persons.
 14. Enter any pool offices or equipment building without authorization.
 15. Disobey any posted signs or notices.
- B. Replacement of passes.
1. To reissue a new individual pass a fee of \$5.00 will be charged.

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 Section 367-2 Membership, Section 367-3 Fees and Charges and Section 367-5 General Rules and Regulations to read as stated above.
2. This Ordinance will meet all the requirements according to law and take effect January 1, 2014.

Council President DiMura opened the public hearing on Ordinance No. 1822-13. Seeing that there was no public participation, Council President DiMura closed the public hearing on Ordinance No. 1822-13.

Councilman Schueler made a motion for approval, seconded by Councilman Dotey and carried by the following roll call vote:

Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach.
Nos.: None. Abstain: None.

NEW BUSINESS

The Borough Clerk read Ordinance No. 1823-13 by title for introduction.

ORDINANCE NO. 1823-13

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX
CHAPTER 420-4 ZONING MAP

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-33 requires municipalities to change the official zoning map by ordinance, and

WHEREAS, section 13.1 of the Lincoln Boulevard Redevelopment Plan adopted December 6, 2011 requires the zoning map to be amended to reflect and identify the Redevelopment areas;

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 Section 420-4 is hereby amended as follows:

420-4 Zoning Map.

The boundaries of all zoning districts set forth in the chapter

shall be shown on a map drafted October 22, 2012.

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.

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

APPOINTMENTS-NONE

ADOPTION OF MINUTES

Councilwoman Tackach moved the approval of the February 12, 2013 Regular Meeting Minutes and Executive Session 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

- a. Councilman DiMura moved the approval of the January, 2013 Finance Report seconded by Councilman Schueler and carried by a unanimous vote of Council
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad
 - a. Councilman Kaplan moved to accept the resignation of William Lawther from the Fire Department effective February 11, 2013 seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - b. Councilman Kaplan moved to accept Ryan Zittel as a driver for Engine 22 seconded by Councilman Schueler and carried by a unanimous vote of Council.
4. Public Works/Parks/Sanitation/Recycling
 - a. Councilwoman Jenkins moved the approval of the January, 2013 DPW Report seconded by Council President DiMura and carried by a unanimous vote of Council.
 - b. Councilwoman Jenkins mentioned that the DPW is down 4 DPW employees with injuries and recommended that the council consider hiring two additional part time DPW employees, along with the 4 intermittent employees.
5. Police/Legal/Code Enforcement/Municipal Court
 - a. New Journey – Councilwoman Tackach mentioned that New Journey was closed down on February 13, 2013 and the landlord took possession of the property. The County is now negotiating a settlement for outstanding penalties.
 - b. HUD Meeting – Councilwoman Tackach gave an overview of what was recommended by the HUD Committee at the February 11, 2013 HUD Meeting. A resolution will be adopted this meeting so that the Grant can be filed with the County.
 - c. New Crossing Guard – At the recommendation of the Police Chief, Councilwoman Tackach recommended that the Council appoint Jane Iannelli as a School Crossing Guard. A resolution will be done this evening.
6. Administration/Office on Aging/Legislation/License/

Buildings & Grounds – Nothing to Report

REPORTS

Council President

1. Update on Track Repair – Council President DiMura received a recommendation for the track repair for \$1900. The engineer reached out to the contractor to get work done ASAP. The weather must be over 50 degrees and dry to get this work done. A voucher has been submitted.
 2. Nuisance Ordinance – Council President DiMura is working with the Police Department and this ordinance should be ready for introduction at the March 12, 2013 Regular Meeting.
 3. Obama Health Care Plan – Council President DiMura spoke with the Auditor and Attorney and recommended reducing the hours of the part time employees to 28 hours per week due to the new Obama Health Care Plan.
-

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(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 is desirous of removing Resolution #77-13 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 #73-13 - Resolution #76-13

Resolution #60-13

Resolution #78-13 – Resolution - #84-13

Councilman Schueler made a motion for approval, seconded by Councilman DiMura 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 #73-13

"A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2013 BUDGET

A Temporary Budget in the amount of \$90,000.00 to provide for the payment of claims and salaries including debt service payments between the first day of January 2013 and the adoption of the 2013 budget be set up as follows:

DEDICATED SWIMMING POOL UTILITY BUDGET

Swim Pool – O/
E
\$20,000.00

26.25% of the 2012 Swimming Pool Utility appropriation =

\$97,860.00

TOTAL

\$90,000.00

The Borough Clerk read the following resolution:

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

Resolution #60-13

WHEREAS, bids were received on December 28, 2012 for Aquatic Engineering Services for the lap pool expansion project and improvements to the existing Middlesex Community Pool complex; and

WHEREAS, there was one bid received which is listed below:

TOTAL

Integrated Aquatics Engineering Inc.

75 Shewell Avenue

Doylestown, PA 18901

\$56,400

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

1. At the recommendation of the Middlesex Community Pool Commission and the Purchasing Agent, the Governing Body hereby awards the contract to provide Aquatic Engineering

Services in the amount of \$56,400 to Integrated Aquatics Engineering Inc.

2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that funds in the amount of \$56,400 are available in account number 05-2010-01-7001-10.

The Borough Clerk read the following resolution:

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

Resolution #74-13

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

<u>BLOCK & LOT</u>	<u>NAME & ADDRESS</u>
	<u>AMOUNT</u>
88/7 Francis	McGuire, Maureen & \$250.00 600 Hazelwood Ave
196/4 \$250.00	Sowa, Walter J & Anna Marie 409 Harris Ave

The Borough Clerk read the following resolution:

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

Resolution #75-13

The Tax Collector is hereby authorized to transfer a 4th quarter

2012 tax payment in the amount of \$2,265.34 and 1st quarter 2013 tax payment in the amount of \$2,829.75 from Block 248, Lot 43 to Block 248, Lot 43/C002. The original mother property has been split and this tax payment was coded to the mother property.

The Borough Clerk read the following resolution:

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

Resolution #76-13

The Tax Collector is hereby authorized to transfer 4th quarter 2012 tax payment in the amount of \$4,074.61 and 1st quarter 2013 tax payment in the amount of \$3,709.48 from Block 258, Lot 25 to Block 258, Lot 25/C002. The original mother property has been split and this tax payment was coded to the mother property.

The Borough Clerk read the following resolution:

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

Resolution #78-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE
AND INSTALLATION OF APX6000 VEHICULAR CHARGER

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase and install one APX 6000 vehicular charger for the fire chief's car 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, Motorola Solutions, Inc. is under State Contract No. 53804 for the year 2013; and

WHEREAS, the cost for the purchase and installation of the vehicular charger is not to exceed \$736.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase and installation of the vehicular charger is ordered under State Contract No. 53804 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$736.00 are available in Account No. 04-1797-00-1797-86.

The Borough Clerk read the following resolution:

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

Resolution #79-13

The following items have been approved by the Housing and Community Development Committee to be submitted to the Middlesex County Housing & Community Development for approval for the use of the 2013 Grant Funds:

Senior Coordinator Salary	\$11,075
Senior Van Driver	\$7,500
Code Enforcement	\$7,500
Nutritional Program	\$7,500
Senior Center Painting	\$5,350
Lincoln Firehouse Doors	\$7,000
3 Benches (Mt. Ave.)	\$2,996***

TOTAL

\$48,921

***This item is pending reductions/increase of funds

he Borough Clerk read the following resolution:

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

Resolution #80-13

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 accounts:

BLOCK/LOT AMOUNT	NAME ACCOUNT #	
248/14 23.77	The Moscetti Living Trust 7760142549	\$

918-920 Voorhees Ave

Mail check to: Geno Moscetti

379 Elm Street

Stirling, NJ 07980

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 #81-13

The governing body hereby reduces the hours for the part time employees to 28 hours per week effective immediately.

The Borough Clerk read the following resolution:

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

Resolution #82-13

The governing body hereby changes the status of the following four intermittent DPW employees to part time employees:

1. Brian Palazzi
 2. Delmar Rouse
 3. Michael Camacho
 4. Jorge Navarro
-

The Borough Clerk read the following resolution:

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

Resolution #83-13

WHEREAS, the State of New Jersey, Division of Local Government Services,

requires an annual resolution by Municipalities, that raise school taxes on a school year

basis, and have a deferred portion of that levy at the beginning and end of a

calendar year, and

WHEREAS, in a Municipality whose deferred school taxes increase from year

to year, that Municipality is to set forth the reasons and facts for the increases; and

WHEREAS, the Deferred School Taxes, for the Borough of Middlesex Board of

Education has increased from January 1, 2012 to December 31, 2012 by \$150,842.50

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the reasons for this increase is the levy for the school year July 1, 2012 to June 30, 2013 has increased by \$393,340.00 from the previous school year levy, and

BE IT FURTHER RESOLVED that the increase in the deferred school tax amount from January 1, 2013 to December 31, 2013 is beneficial to the financial position of the Borough for 2013; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services, the Borough's Chief Finance Officer and the Borough Auditor.

The Borough Clerk read the following resolution:

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

Resolution #84-13

The governing body hereby hires Kenneth Wayne Pine, 132 Murray Avenue, Piscataway, New Jersey and Brendon Devaney, 529 Howard Avenue, Middlesex, New Jersey as Part Time DPW Employees effective March 4, 2013 for 28 hours per week at \$12.00 per hour, pending a satisfactory background check.

The Borough Clerk read the following resolution:

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

Resolution #77-13

The Tax Collector is hereby authorized to amend taxes for 1st quarter 2013 from \$1,892.28 to \$702.63 and 2nd quarter 2013 from \$1,892.27 to \$702.63 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.

Councilman Schueler made a motion to table this resolution until the March 12, 2013 Regular Meeting, 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 #87-13

At the recommendation of the Police Chief, the governing body hereby hires Jane C. Iannelli, 606 Grandview Street, Middlesex, New Jersey as a School Crossing Guard at \$13.77 per hour effective immediately. Ms. Iannelli has met all the requirements for this position.

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 #85-13

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.

Council President 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

1. Newsletter – Council President tabled this matter until the March 12, 2013 Regular Meeting.
-

PUBLIC COMMENTS

Council President DiMura opened the Public Portion of the meeting for any comments.

Dave Oliver, 216 Ashland Road, appointed representative to the Board of Education discussed (1) The use of the high school track for practice, with the exception of the NE side of the track; (2) The geese feces on the track and if the track could be cleaned; and (3) The private property on the corner of Raritan Avenue

and Lincoln Boulevard that needs to be cleaned up.

Frank Ryan, 303 Maple Street discussed (1) Paving the intersection of Mountain Avenue connecting to Route 28 and Mountain Avenue connecting to Lincoln Boulevard; and (2) Pension for law enforcement officers.

Pete Wosniak, 1200 Sheridan Avenue discussed (1) The loop hole in the pension enabling a retired law enforcement officer to get another public pension; (2) Concern of Council not recusing themselves from matters involving DPW and Board of Education in Executive Session; and (3) Sewer Collection Issue and discussion of a new pumping station.

John Hoffman, 455 Lincoln Boulevard discussed (1) Present Nuisance Ordinance; (2) HUD funds, including the allocation of funds and construction projects; (3) Illegal two family next to his property and the junk in the yard; (4) Constant changing of ordinances at Board of Health Meetings; (5) Pick up of dumpsters at Fastenal at 4:30 AM; and (6) His appreciation to Councilwoman Tackach for the revised HUD Map.

Council President DiMura addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, 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 #86-13

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. Board of Education Litigation
2. DPW Grievance

Councilwoman Tackach 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.

The Borough Clerk read the following resolution:

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

Resolution #88-13

WHEREAS, Resolution #292-12 was adopted by the governing body on December 18, 2012 to authorize the closure of certain recreational properties; and

WHEREAS, Resolution #51-13 was adopted by the governing

body on January 22, 2013 to open upon portions of the recreational properties; and

WHEREAS, the governing body has determined that the recreational properties not opened by Resolution #51-13 should now be opened to the public.

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. All properties closed by Resolution #292-12 now shall reopen to the public.
2. This resolution shall take effect immediately.

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

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC

Borough Clerk

BOROUGH OF MIDDLESEX
SPECIAL MEETING MINUTES

February 28, 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 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	absent
Council President:	Ron DiMura	
	Kevin Dotey	
	Sean Kaplan	
	Patricia Jenkins	
	Robert Schueler	
	Michele Tackach	
Attorney: (not required to attend)	Attorney Aithal	absent

Mayor Dobies could not make the meeting and is out

rehabilitating from a recent fall.

Council President & Acting Mayor Ron DiMura opened the meeting to discuss the 2013 Department Budgets. The budgets for Recreation, Construction, and Board of Health were discussed with the Department Head and the President of the Board of Health. The Shade Tree budget was reviewed by Council and the Chief Financial Officer. The municipal budget will be introduced after final review by CFO and Finance Committee.

PUBLIC COMMENTS

Council President & Acting Mayor Ron DiMura opened the public portion of the meeting.

Seeing there was no public comment, Acting Mayor DiMura closed the public portion of the meeting.

ADJOURNMENT

Councilman Kaplan made a motion to adjourn the Special Meeting seconded by Councilwoman Jenkins and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC

Borough Clerk

BOROUGH OF MIDDLESEX
SPECIAL MEETING MINUTES

March 2, 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 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall and the Middlesex Borough website.

SALUTE TO THE FLAG

ROLL
CALL

Mayor Ronald Dobies absent

Council President: Ron DiMura
Kevin Dotey
Sean Kaplan
Patricia Jenkins
Robert Schueler
Michele Tackach

Attorney: Attorney Aithal absent
(not required to attend)

Mayor Dobies could not make the meeting and is out

rehabilitating from a recent fall.

Council President & Acting Mayor Ron DiMura opened the meeting to discuss the 2013 Department Budgets. The budgets for Municipal Court, Police, Library, Fire, and DPW were discussed with the Department Head and the Fire Chief.

PUBLIC COMMENTS

Council President & Acting Mayor Ron DiMura opened the public portion of the meeting.

Seeing there was no public comment, Acting Mayor DiMura closed the public portion of the meeting.

ADJOURNMENT

Councilman Kaplan made a motion to adjourn the Special Meeting seconded by Councilwoman Jenkins and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC

Borough Clerk

BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MARCH 12, 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 (absent – work)

Patricia Jenkins

Bob Schueler

Michele Tackach

Attorney: Aravind Aithal

Council President DiMura welcomed Mayor Dobies back to work.

Mayor Dobies stated that a resolution will be added to the agenda for approval of engineering services for the Howard Avenue reconstruction project.

PRESENTATIONS-NONE

PROCLAMATIONS

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1823-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1823-13

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX
CHAPTER 420-4 ZONING MAP

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon;
and

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-33 requires municipalities to change the official zoning map by ordinance, and

WHEREAS, section 13.1 of the Lincoln Boulevard Redevelopment Plan adopted December 6, 2011 requires the zoning map to be amended to reflect and identify the Redevelopment areas;

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 Section 420-4 is hereby amended as follows:

420-4 Zoning Map.

The boundaries of all zoning districts set forth in the chapter shall be shown on a map drafted October 22, 2012.

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. 1823-13. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1823-13.

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

NEW BUSINESS-NONE

APPOINTMENTS-NONE

ADOPTION OF MINUTES

Councilwoman Tackach moved the approval of the February 26,

2013 Regular Meeting Minutes and Executive Session Meeting Minutes, February 28, 2013 Special Meeting Minutes and March 2, 2013 Special 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
 - a. Councilman DiMura moved the approval of the February, 2013 Finance Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council
 - b. Nuisance Ordinance – Councilman DiMura spoke with Chief Young about enforcement of this ordinance and now will have to discuss further with the Court Office. This ordinance should be ready for introduction at the March 26, 2013 Meeting.
 - c. Landlord Registration Ordinance – Barrie Krause is working on this ordinance which is scheduled to be introduced next month.
 - d. Administrator – Councilman DiMura recommended Council start the process to hire an Administrator/CFO as the present CFO is retiring in February, 2014. Councilman Schueler made a motion to authorize the Finance Committee to move forward with the description of the job duties and recruitment of an Administrator seconded by Councilman DiMura and carried by unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad – Councilman Kaplan was absent
 - a. Rescue Squad Coin Toss – Mayor Dobies recommended that this resolution be reviewed further with the Rescue Squad, as there are so many dates they have scheduled, some of which are conflicting with other events.
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 – Nothing to Report
-

REPORTS

Mayor

1. Master Plan – Council agreed to have Planner Paul Ricci come in before the full council to discuss the Master Plan. The Borough Clerk will arrange this meeting.
 2. Personnel Policy – Mayor Dobies will be working on some changes to this policy, and requested council forward any information back to him before the entire council reviews for consideration.
-

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(F)

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 #97-13 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 #77-13

Resolution #89-13 – Resolution - #96-13

Resolution #98-13 – Resolution #99-13

Resolution #102-13

Councilman DiMura 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.

The Borough Clerk read the following resolution:

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

Resolution #77-13

The Tax Collector is hereby authorized to amend taxes for 1st quarter 2013 from \$1,892.28 to \$702.63 and 2nd quarter 2013 from \$1,892.27 to \$702.63 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 Borough Clerk read the following resolution:

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

Resolution #89-13

The governing body hereby hires Francisco Camarillo, 9 8th Street, New Brunswick, New Jersey 08901 as a Part Time DPW Employee effective March 13, 2013 for 28 hours per week at \$12.00 per hour, pending a satisfactory background check.

The Borough Clerk read the following resolution:

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

Resolution #90-13

RESOLUTION TO UTILIZE A THREE-YEAR AVERAGE TO
CALCULATE THE RESERVE FOR UNCOLLECTED TAXES

WHEREAS, N.J.S.A. 40A:4-41 provides that the Governing Body may authorize to determine the reserve for uncollected taxes by using the average of the percentage of taxes levied that were received in cash by the last day of each of the three preceding fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex hereby directs the Chief Financial Officer to utilize the three-year average of the Reserve for Uncollected Taxes for 2013.

The Borough Clerk read the following resolution:

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

Resolution #91-13

The Tax Collector is hereby authorized to issue a check in the amount of \$56,047.97 to redeem tax sale certificate #2012-1809 and a tax sale premium in the amount of \$23,000, Block 340, Lot 1, 244A-248 Lincoln Blvd. The check is 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 #92-13

The Tax Collector is hereby authorized to amend 1st quarter 2013 taxes from \$1,549.63 to \$716.10 and 2nd quarter 2013 taxes from \$1,549.62 to \$716.10 on Block 262, Lot 42, 205 Runyon Avenue. The house has been demolished and the assessment has been lowered by the Tax Assessor to \$37,200 for the year 2013.

The Borough Clerk read the following resolution:

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

Resolution #93-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE
FOR

PICNIC TABLES

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase five picnic tables 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, Ben Shaffer & Associates, Inc. is under State

Contract No. A-81415 for the year 2013; and

WHEREAS, the cost for the purchase of picnic tables is not to exceed \$3,995.70; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of picnic tables is ordered under State Contract No. A-81415 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$3,995.70 is available in Account No. 01-2030-46-8701-101.

The Borough Clerk read the following resolution:

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

Resolution #94-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE
OF

A DELL SONIC WALL

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a Security Suite for Sonic Wall 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 is under State Contract No. 70137 for the year 2013; and

WHEREAS, the cost for the purchase of a sonic wall is not to exceed \$534.29; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and

Borough Council that the purchase of a Security Suite for Sonic Wall is ordered under State Contract No. 70137 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$534.29 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 #95-13

A RESOLUTION REQUESTING PERMISSION FOR A
MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE
FUND

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider.

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

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by N.J.S.A. 40A:5-29 for the exclusive purpose of depositing and expending funds donated by individuals for the Municipal Alliance on Alcohol and Drug Abuse Fund.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the

Division of Local Government Services.

The Borough Clerk read the following resolution:

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

Resolution #96-13

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has

established a recycling fund from which tonnage grant may be made to municipalities

in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and

timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Borough of Middlesex hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates DPW Supervisor, Robert Heisch to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The Borough Clerk read the following resolution:

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

Resolution #98-13

"A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR
PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2013
BUDGET

A Temporary Budget in the amount of \$6,160,181.81 to provide for the payment of claims and salaries including debt service payments between the first day of January 2013 and the adoption of the 2013 budget to be set up as follows:

General Government Operations:

Insurance Group \$ 20,000.00

Garbage O/E \$ 10,000.00

Total \$3,797,405.00

26.25% of the 2012 General Appropriation = \$4,303,882.97

TOTAL \$6,160,181.81

The Borough Clerk read the following resolution:

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

Resolution #99-13

WHEREAS, Remington & Vernick Engineers has provided a proposal dated March 4, 2013 for the Construction Observation and Contract Administration Services for 2012 Mill and Overlay Program Construction; and

WHEREAS, this proposal includes a Part Time Project Manager and a Part Time Inspector with support services from their staff, as directed by the Project Manager, who will coordinate with the Borough Contractor, NJDOT and municipal agencies, along with the specific scope of services for this project; and

WHEREAS, Remington & Vernick Engineers is prepared to proceed for a fee of \$22,500 in accordance with their 2013 contractual professional services.

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

1. The Governing Body hereby approves the proposal by Remington & Vernick Engineers for the proposal dated March 4, 2013 for the Construction Observation and Contract Administration Services for the 2012 Mill and Overlay Program Construction in the amount of \$22,500.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$22,500.00 is available in the following Accounts: \$4,000 in Account No. 04-1410-00-1410-52, \$6,000 in Account No. 04-1609-00-1609-52, \$6,000 in Account No.

04-1797-00-1797-52 and \$6,500 in Account No.
04-1818-00-1818-52.

The Borough Clerk read the following resolution:

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

Resolution #97-13

WHEREAS, Middlesex Borough Rescue Squad has requested to hold fund raising within the borough of Middlesex by conducting sixteen coin tosses within the borough at the intersections of Route 28 and Greenbrook Road, Route 28 and Shepherd Avenue and Bound Brook Road and Mountain Avenue; and

WHEREAS, the Rescue Squad would like to conduct these coin tosses on April 20 & 21, June 22 & 23, July 20 & 21, August 17 & 18, September 21 & 22, October 19 & 20, November 16 & 17, and December 21 and 22 from 9 a.m. – 6 p.m.; and

WHEREAS, Middlesex Borough Rescue Squad has met all of the criteria required in Middlesex Borough Ordinance No. 1747-09, with the exception of the approval of the New Jersey Department of Transportation.

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

1. The Governing Body hereby approves Middlesex Borough Rescue Squad conduct coin tosses on April 20 & 21, June 22 & 23, July 20 & 21, August 17 & 18, September 21 & 22, October 19 & 20, November 16 & 17, and December 21 & 22 from 9 a.m. – 6 p.m. at the above locations, pending receipt of approval from the New Jersey Department of Transportation.
2. This resolution shall take effect immediately.

Councilman Schueler made a motion to table this resolution seconded by Councilman DiMura and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, 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 #100-13

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.

Council President DiMura 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.

The Borough Clerk read the following resolution:

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

Resolution #102-13

WHEREAS, Remington & Vernick Engineers has provided a proposal dated March 4, 2013 for the Construction Observation and Contract Administration Services for Howard Avenue Reconstruction Project; and

WHEREAS, this proposal includes a Part Time Project Manager and a Part Time Inspector with support services from their staff, as directed by the Project Manager, who will coordinate with the Borough Contractor, NJDOT and municipal agencies, along with the specific scope of services for this project; and

WHEREAS, Remington & Vernick Engineers is prepared to proceed for a fee of \$19,250 in accordance with their 2013 contractual professional services.

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

1. The Governing Body hereby approves the proposal by Remington & Vernick Engineers for the proposal dated March 4, 2013 for the Construction Observation and Contract Administration Services for the Howard Avenue Reconstruction Project in the amount of \$19,250.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$19,250.00 is available in Account No. 04-1818-00-1818-52.

Council President DiMura 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.

DISCUSSION ON AGENDA WORKSHOP ITEMS- NONE

1. BYOB – The Borough Clerk mentioned that local businesses have been inquiring about BYOB. Ms. Anello discussed the ABC requirements that a restaurant would be required to follow to allow patrons to bring their own bottle of beer or wine. The Clerk discussed this matter with the Police Chief who did not feel that this would be a problem. Based upon the Chief's opinion, Council did not seem to have a concern with BYOB for local restaurants.
2. Board of Education Litigation – Attorney Aithal today executed a Consent Order to Dismiss this litigation. The

borough did not incur any legal expenses. Mayor Dobies expressed his disappointment that the Board of Education took on this matter, as the Board of Education incurred unnecessary tax dollars on legal fees. Council President DiMura indicated that with an agreement in place and the case dismissed, he hopes the Council and Board can move forward and improve the whole athletic facility at the high school.

PUBLIC COMMENTS

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

John Hoffman, 455 Lincoln Boulevard discussed (1) Concern with BYOB that restaurant patrons will be allowed to drink in certain areas; (2) J.H. Reid and violations from the state for 20 years; (3) Overflowing dumpster at Sapore's; (4) Trash all over Lincoln Boulevard; (5) Tenant Registration and problem with illegal apartments; and (6) Complimented the Borough Clerk's Office & Tax Office for their professionalism.

Peter Gartner, 118 S. Woodland Avenue attended the Recreation Meeting and was disappointed that when he came up to speak during the Public Portion the Recreation Director left the table and walked out with a resident and his son and the Commission continued the meeting. Mr. Gartner was upset because he did not receive the courtesy that the 4 residents did before him. Mr. Gartner also commended the Borough Clerk's Office for his supportive results when dealing with them.

Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, 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 #101-13

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. DPW Workman's Compensation Claim
2. Department Head Salaries
3. Part Time Employees

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

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

The Borough Clerk read the following resolution:

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

Resolution #103-13

The Finance Committee shall determine the duties and required qualifications for recruiting qualified candidates for the position of Borough Administrator.

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

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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MARCH 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

STUDENT COUNTERPARTS

Mayor
Council President:

Ronald Dobies
Ron DiMura
Kevin Dotey
Sean Kaplan
Patricia Jenkins
Bob Schueler
Michele Tackach

Daniel Chemey
Jessica Kennick

Natalie Castello
Stephen Toscano
Steven Sarnowski
Sarah Carl

Attorney: Aravind Aithal

Mayor Dobies stated that under the Executive Session New Journey's continued Litigation will be discussed. No action is anticipated.

PRESENTATIONS-NONE

PROCLAMATION

The Borough Clerk read the following Proclamation:

Elk's Youth Week

WHEREAS, the Benevolent and Protective Order of Elks has designated the week of March 25, 2013 as Elk's Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition to their services to Community, State and Nation; and

WHEREAS, Middlesex Elks 1488 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW THEREFORE, I Ronald S. Dobies, Mayor of the Borough of Middlesex do hereby proclaim the week of March 25, 2013 as Elk's Youth Week and urge all departments of government, civic, fraternal and patriotic groups and our citizens generally, to participate wholeheartedly in its observance.

PUBLIC HEARINGS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1824-13 for introduction.

**BOROUGH OF MIDDLESEX
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2013 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$167,032.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$389,741.49 and that the CY 2013 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman Schueler made a motion for introduction, seconded by Councilman DiMura 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:

RESOLUTION #104-13
BOROUGH OF MIDDLESEX
MIDDLESEX COUNTY, NEW JERSEY
BUDGET INTRODUCTION

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2013.

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2013;

BE IT FURTHER RESOLVED that said Budget be published in the Courier News, New Jersey in the issue of April 8, 2013.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2013:

General Appropriations:	
Appropriations Within "CAPS"	\$11,698,925.57

Municipal Purposes Appropriations Excluded from "CAPS"	4,034,237.72
Municipal Purposes Reserve for Uncollected Taxes – Based on Estimated 98+ Percent of Taxes Collections	<u>814,000.00</u>
Total General Appropriations	16,547,163.29
Less: Anticipated Revenues Other Than Current Property Taxes	<u>4,986,329.31</u>
Difference: Amount to be Raised by Taxes For Support of Municipal Budget:	
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	<u>\$11,078,254.37</u>
b) Municipal Library Tax	<u>\$ 482,579.61</u>
<u>Swimming Pool Utility Operating Fund</u>	
Total Swimming Pool Revenues	<u>\$ 372,800.00</u>
Total Swimming Appropriations	<u>\$ 372,800.00</u>

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, on March 26, 2013.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 23, 2013 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

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

Council President DiMura stated that this year the budget increase on the average home is approximately \$37.65, and the budget increase is less than 1% of the annual budget. Council President DiMura mentioned that we have overcome close to ½ million dollars in assessed values in homes because of the economic situation, overcome high increases in health insurance and also a drop in our miscellaneous revenue of over \$300,000. We are still able to reinvest in our community with the road project, fixing our buildings throughout the borough, park projects, and being proactive on flood issues. Council President DiMura also commended the Finance Committee and Andrea Corcoran for their hard work on the budget and mentioned that the budget is still a work in progress, but we are sitting in a good position.

The Borough Clerk read Ordinance No. 1825-13 by title for introduction.

ORDINANCE NO. 1825-13

AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE, SECTION 371-1 STORAGE OF CERTAIN MATERIALS AND EQUIPMENT RESTRICTED; SECTION

317-9 DEFINITIONS; SECTION 317-12 ADMINISTRATIVE PROVISIONS AND SECTION 317-13 VIOLATIONS AND PENALTIES IN THE CODE OF THE BOROUGH OF MIDDLESEX

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

Section 317-1 Storage of Certain Materials and Equipment Restricted is amended to read as follows:

§ 317-1. Storage of certain materials and equipment restricted.

Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex, is prohibited on any property within 1,000 feet of any dwelling except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building, or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-9 Definitions is amended to include the following:

§ 317-9. Definitions.

ENFORCEMENT OFFICER – Except as defined in § 317-12A, the enforcement officer shall be the Construction Official or his authorized representative. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex shall be authorized to enforce § 317-1 of this Chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-12 Administrative Provisions is amended to include the following:

§ 317-12. Administrative provisions.

F. Odors and Airborne Particles. Notwithstanding the provisions of this section, if it is determined by the enforcement officer that there is an immediate disturbance to the comfort and convenience of any resident of the Borough of Middlesex by means of any pervasive or obnoxious odors, or airborne particles which cause disturbances of a person of normal sensitivity, then no notice shall be required hereunder and the enforcement officer may immediately issue a summons of violation to a person or entity.

Section 317-13 Violations and penalties is amended to read as follows:

§ 317-13. Violations and penalties.

Any person or entity who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof, be punished

as follows, for each such violation occurring during any calendar day being considered a separate offense:

- A. For the first offense, by a fine not less than \$500 or more than \$2,000.
- B. For a second offence, by a fine not less than \$1,000 or more than \$2,000.
- C. For a third offense or any subsequent offenses, by a fine of not less than \$1,500 or more than \$2,000.

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 amends the above-captioned sections of Chapter 317 Property Maintenance of the Code of the Borough of Middlesex.
- 2. This Ordinance shall take effect immediately upon final passage and publication according to law.

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

The Borough Clerk read Ordinance No. 1826-13 by title for introduction.

ORDINANCE NO. 1826-13

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

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

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwellings within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each unit contained within a dwelling.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.

- c. Upon the filing of a completed registration form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit shall be inspected at least once during the 12 months license period. The Borough of Middlesex Construction Office will contact the owner of the rental unit to arrange for an inspection during the license year. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.
- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall be inspected at least once in every 12 month period, and upon each change in tenancy, for purposes of the issuance of a certificate of occupancy. Such inspection shall be for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- a. Fees:
 - (i) An bi-annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:
 - 1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or

2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.

(iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s) and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days, and if not made within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 18 of this Ordinance.
- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, unless another penalty is provided, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. 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 THREE. This Ordinance shall take effect immediately upon final passage and publication according to law.

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

APPOINTMENTS-NONE

ADOPTION OF MINUTES

Councilman Dotey moved the approval of the March 12, 2013 Regular Meeting Minutes and Executive Session Meeting Minutes seconded by Councilwoman Jenkins and carried by a majority of Council (Abstain-Kaplan).

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report
2. Recreation/Recreation Fields/Water & Light
 - (a) Councilman Dotey reported that there was a good turnout for the Easter Egg Hunt on Saturday. The Recreation Director thanked the OEM, Police, Fire Department and Rescue Squad for their participation.
3. Fire/OEM/Board of Health/Rescue Squad – Councilman Kaplan was absent
 - (a) Rescue Squad Coin Toss – A resolution is on the Agenda tonight’s meeting.
 - (b) Councilman Kaplan moved the approval of Robert M. Frisch III to the Middlesex Fire Department seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
 - (c) Fire Department Carnival – April 22 – April 27th – Bracelet night is Tuesday, Thursday and Saturday.
4. Public Works/Parks/Sanitation/Recycling
 - (a) Councilwoman Jenkins made a motion to approve Twice a Week Garbage Pickup – June 3, 2013 – September 6, 2013 seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - (b) Councilwoman Jenkins moved the approval of the February, 2013 DPW Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach moved the approval of the February, 2013 Police Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
 - (b) Councilwoman Tackach moved the approval of the January, 2013 Construction Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Nothing to Report

REPORTS

Mayor

1. Summer Hours – Council President DiMura moved the approval of the Summer Hours to be held May 31, 2013 – August 30, 2013 seconded by Councilman Kaplan and carried by a unanimous vote of Council.
2. FEMA Buyouts - Mayor Dobies updated Council that 6 of the 7 homes are continuing their participation in the grant. The first alternate will be added to the buyout list. Applications have been submitted to the DEP for approval.

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(G)

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 #97-13 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 #105-13 – Resolution #112-13

Councilman Kaplan made a motion for approval, seconded by Councilman Schueler 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 #97-13

WHEREAS, Middlesex Borough Rescue Squad has requested to hold fund raising within the borough of Middlesex by conducting sixteen coin tosses within the borough at the intersections of Route 28 and Greenbrook Road, Route 28 and Shepherd Avenue and Bound Brook Road and Mountain Avenue; and

WHEREAS, the Rescue Squad would like to conduct these coin tosses on April 20 & 21, June 22 & 23, July 21, August 18, September 21 & 22, October 20, November 16 & 17, and December 21 and 22 from 9 a.m. – 6 p.m.; and

WHEREAS, Middlesex Borough Rescue Squad has met all of the criteria required in Middlesex Borough Ordinance No. 1747-09, with the exception of the approval of the New Jersey Department of Transportation.

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

1. The Governing Body hereby approves Middlesex Borough Rescue Squad conduct coin tosses on April 20 & 21, June 22 & 23, July 21, August 18, September 21 & 22, October 20, November 16 & 17, and December 21 & 22 from 9 a.m. – 6 p.m. at the above locations, pending receipt of approval from the New Jersey Department of Transportation.
2. This resolution shall take effect immediately.

Councilman Schueler made a motion for introduction, 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 #105-13

The governing body hereby hires Ronald Safar, Jr., 70C Old New Brunswick Road, Piscataway, New Jersey 08854 as a Part Time DPW Employee effective April 1, 2013 for 28 hours per week at \$12.00 per hour, pending a satisfactory background check.

The Borough Clerk read the following resolution:

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

Resolution #106-13

The governing body hereby terminates the employment of Brendon Devaney, as a Part Time DPW Employee effective immediately.

The Borough Clerk read the following resolution:

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

Resolution #107-13

WHEREAS, an emergent condition has arisen with respect to providing temporary appropriations sufficient to cover commitments made during the period of January 1, 2013 to the date of adoption of the annual budget and no adequate provision has been made in the 2013 temporary appropriations to cover such commitments, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose of covering such commitments; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$12,162,933.32 for the Current Fund Budget, \$278,000.00 for the Swimming Pool Utility Budget;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all of the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A.

Appropriations	Account No	Salaries & Wages	Other Expenses
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Current Fund

General Government

Mayor & Council	20-1101	6,000	10,000
Municipal Clerk	20-1231	65,000	3,000
Printing & Advertising	20-1202		5,000
Postage	20-1222		5,000
Finance Administration	20-1301	52,000	7,000
Elections	20-1242		5,500
Computer Services	20-1401		58,000
Revenue Administration	20-1451	32,000	6,500
Assessment of Taxes	20-1501	16,000	1,000
Legal	20-1551		50,000
Engineering	20-1652		8,700
Planning Board	21-1802		13,000
Zoning Board	21-1852	2,725	8,000
Ins. Liability	23-2102		112,463.25
Ins. Workers Comp	23-2152		28,742.69
Ins.Group	23-2202		1,100,000
Ins. Surety Bonds	23-2112		
Ins. Temp. Disability	23-2122		15,000
Ins. Long Term Disability	23-2132		10,000
Public Safety			
Police	25-2401	1,500,000	60,000
Juvenile	25-2411	1,463	0
Emergency Management	25-2521		7,000
Fire	25-2652		70,000
Fire Hydrants	25-2572		95,000
Prosecutor	25-2752	11,000	
Uniform Fire Prevention	25-2531	0	0
Public Works			
Streets & Roads	26-2901	140,000	40,000
Shade Tree	26-3001	1,100	27,000
Solid Waste	25-3051	41,000	
Garbage	25-3071	340,000	9,000
Bldg & Grounds	25-3101	0	20,000
Rental Rescue Squad	25-3082		3,000
Sewers	31-4551	23,000	24,000
Stormwater Regulations	41-7160		(3,000)
Maint.Communications	25-3092		
Health & Human Services			
Board of Health	27-3301	3,400	28,000
Animal Control	27-3453		15,000

Parks & Receptions			
Recreation	28-3701	35,000	10,000
Celebration of Public Events	30-4200		70,000
Parks & Playgrounds	28-3751	140,000	14,000
Sr. Citizen Bus	28-3721	7,200	1,000
Sr. Nutrition	28-3791	0	
Title III	28-3781	14,000	
Medical Transportation	28-3761	6,000	
Sr. Coordinator	28-3731	19,000	2,000
Utility Expenses			
Electricity	31-4302		80,000
Street Lighting	31-4352		78,000
Telephone	31-4402		33,000
Water	31-4452		17,000
Natural Gas	31-4462		7,500
Fuel Oil (Diesel)	31-4472		27,000
Gasoline	31-4602		13,000
Other Operating			
Housing & Community Devel	30-4161		
Environmental	30-4171		
Tax Map Maintenance	30-4182		
Landfill	32-4652		190,000
Construction	22-1951	30,000	2,700
Municipal Court	43-4901	75,000	4,000
Library	29-3902		211,000
Utility Authority	25-3122		436,000
Piscataway Sewer	25-3112		117,000
Beautification	30-4203		
Curbside Recycling	36-4766		50,000
Unemployment	36-4767		25,000
Statutory Expenses			
PERS	36-4722		
PFRS	36-4752		
Social Security	36-4722		130,000
DCRP Co. Match	36-4732		5,000
Debt Service			
Bond Principal	45-9202		
Bond Interest	45-9302		
BAN Interest	45-9302		
Ban Paydown	45-6202		

Green Acres Loan	45-9402		
Hazardous Loan & Interest	45-9412		
Infrastructure Loan	45-9413		
MCIA Loan	45-9414		
Capital Imprv Fund	44-9010		60,000
State & Federal Grants			
Drug Alliance	41-7032		7,000
Older American	41-7092	1,000	
Body Armor	41-7042		4,058.08
DWI	41-7011		4,699.42
Municipal Court DWI	41-7022		
Clean Communities	41-7002		
TOTAL CURRENT FUND		2,561,888	3,440,863.44
Swim Pool Utility			
Operating Appropriations	01-7001	120,000	68,000
TOTAL SWIM POOL		120,000	68,000

The Borough Clerk read the following resolution:

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

Resolution #108-13

The governing body hereby declares the following items surplus:

1. 1996 Dodge Truck, Vin. No. 1B6MF 36CIT JI935 41
2. 5 Drawer Legal/Letter Size Cabinet
3. Olympia Typewriter No. 66-200-4584-1 – Court Office

The Borough Clerk read the following resolution:

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

Resolution #109-13

The Tax Collector is hereby authorized to issue checks in the following amounts to redeem multiple liens. The check is to be made payable to:

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

Block/Lot/Qual	TTL Number	Amount	Premium
173/2/C0001	2012-1790	\$7,418.29	\$3,000.00
173/2/C0002	2012-1791	\$7,517.28	\$3,000.00
173/2/C0003	2012-1792	\$7,418.65	\$3,000.00
173/2/C0004	2012-1793	\$6,342.06	\$3,400.00
173/2/C0005	2012-1794	\$6,485.83	\$3,800.00
173/2/C0006	2012-1795	\$6,342.06	\$3,400.00

The Tax Collector is hereby authorized to issue a check in the amount of \$28,816.17 and a \$1,100 premium to redeem tax sale certificate #2010-1735, Block 165, Lot 45, 303 Clinton Avenue, check is to be made payable to:

US Bank CUST CCTS Capital LLC
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #110-13

WHEREAS, The governing body adopted Resolution #81-13 on March 12, 2013 reducing the hours of the permanent part time employees from 30 hours per week to 28 hours per week; and

WHEREAS, the governing body wishes to commence reducing these hours effective May 1, 2013.

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

1. The governing body hereby commence reducing the hours of the permanent part time employees from 30 hours per week to 28 hours per week effective May 1, 2013.
2. This resolution shall take effect May 1, 2013.

The Borough Clerk read the following resolution:

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

Resolution #111-13

WHEREAS, on March 6, 2013 the governing body received a proposal from Remington & Vernick Engineers for the regular inspection of the Creighton Lake Dam; and

WHEREAS, this proposal includes the following tasks: (1) Visual inspection of the dam and appurtenances. The inspection team will consist of a structural engineer and a civil engineer as required by the NJDEP; (2) Preparation of the NJDEP inspection forms for compliance with Dam Safety Regulations; (3) Preparation of the Dam Inspection Report which will include sketches and digital photographs; and (4) Submission of the report to Borough officials, as well as the NJDEP.

WHEREAS, the fee for the services will not exceed \$3,500.

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

1. The governing body hereby approves the proposal from Remington & Vernick Engineers for the regular inspection of the Creighton Lake Dam in an amount not to exceed \$3,500.
2. Funds for this proposal will be transferred from Purchase Order No. 51498.
3. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED that funds in the amount of \$3,500 are available in Purchase Order No. 51498.

The Borough Clerk read the following resolution:

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

Resolution #112-13

Authorizing the Mayor to execute two Remedial Action Permit Applications – Soil on the Facility Lane Site for the property located on the South Raritan Avenue right of way and Baekeland Avenue right of way.

The Borough Clerk read the following resolution:

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

Resolution #113-13

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:

- | | | |
|-------------|-------------------------------------|----------|
| 1. PO 53039 | DeSesa Engineering Company | \$286.75 |
| 2. PO 53019 | Fosbre Town Plumbing & Heating, LLC | \$315.00 |

3. PO 52942	JEM Service Center	\$280.91
4. PO 53000	Brunswick Automotive Professionals, Inc	\$541.86
5. PO 53008	Wilson Plumbing & Heating, LLC	\$85.00
6. PO 53007	Mulvey Electric, Inc	\$301.25
7. PO 53052	Board of Fire Officers	\$349.88

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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

1. Resident Request for Alcohol at Mountainview Park – Council did not approve this request citing Chapter 121-17 which does not allow any alcohol in public parks.

PUBLIC COMMENTS

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

Dave Oliver, 216 Ashland Road discussed the status of the seeding and feeding of the high school fields.

Nadine Chemey, 41 Glen Gary questioned if the football field will be ready for graduation.

Frank Ryan, 303 Maple Street discussed (1) twice a week garbage pickup (2) garbage being put in containers; (3) Police Department accumulation of sick time; and (4) banning of smoking in public parks.

Tom Harrity, 107 Ramsey Road questioned Ordinance No. 1825-13. It was noted that a public hearing would be held in two weeks for discussion on this ordinance.

Pete Gardner, 118 South Woodland Road questioned (1) Who is responsible for the Recreation Commission operating within the proper guidelines; (2) Middlesex Borough Code of Conduct; (3) Meeting with Council President DiMura, Recreation Director, Recreation Liaison and Recreation Chairwoman about basketball travel team try outs & how they are run; (4) Inflation of basketballs for his team; and (5) Guidelines for basketball registration and how they are followed. After Mr. Gardner's concerns were discussed, Councilman Dotey agreed to meet with Mr. Gardner to discuss this matter further.

Mayor Dobies addressed all the other issues that were discussed in the public.

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

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Schueler 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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
APRIL 9, 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 stated he will be adding a request from Watchung School under his report and a proclamation proclaiming Dave Oliver Elk's Citizen of the Year.

APPOINTMENTS

The Mayor also noted that tonight was a special night as we are promoting Sgt. Frank Bottiglieri and Sgt. Matthew Geist to Lieutenant.

The Borough Clerk read the following resolution:

Resolution #114-13

WHEREAS, Sergeant Frank Bottiglieri has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Craig Young has recommended that Sergeant Bottiglieri be promoted to the rank of Lieutenant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Sergeant Frank Bottiglieri be promoted to the rank of Lieutenant effective immediately at an annual salary of \$113,127.00.

Council President DiMura made a motion for approval, seconded by Councilwoman Tackach 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:

Resolution #115-13

WHEREAS, Sergeant Matthew Geist has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Craig Young has recommended that Sergeant Geist be promoted to the rank of Lieutenant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Sergeant Matthew Geist be promoted to the rank of Lieutenant effective immediately at an annual salary of \$113,127.00.

Councilwoman Tackach 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.

PRESENTATIONS-NONE

PROCLAMATION

The Borough Clerk read the following Proclamation:

ALCOHOL, TOBACCO AND OTHER DRUG AWARENESS MONTH

WHEREAS, underage drinking is the number one problem among the nation's youth; and

WHEREAS, eighty percent (80%) of New Jersey high school students have used alcohol and thirty-nine (39%) have used illegal drugs; and

WHEREAS, juvenile crime, violence and poor academic performance are closely linked with underage drinking; and

WHEREAS, youth smokers are 100 times more likely to smoke pot and become addicted to other illicit drugs such as heroin and cocaine; and

WHEREAS, any drinking or drug use by drivers; those under the age of 12; women planning for motherhood; or people who have already experienced problems due to their drinking and drug use; is high risk behavior; and

WHEREAS, alcoholism and other drug dependence are treatable and preventable diseases.

NOW, THEREFORE, I, RONALD S. DOBIES, do hereby join with the National Council on Alcoholism and Drug Dependence of Middlesex County, Inc.; and proclaim that April, 2013 is **ALCOHOL, TOBACCO AND OTHER DRUG AWARENESS MONTH** in the Borough of

Middlesex. As Mayor, I also call upon all citizens, parents, addiction prevention and treatment agencies, governmental agencies, public and private institutions, businesses and schools in the Borough of Middlesex to help raise awareness about this critical public health issue and join me in “drawing the line” against underage drinking.

The Borough Clerk read the following Proclamation:

ELK’S CITIZEN OF THE YEAR

WHEREAS, Dave Oliver has been a resident of Middlesex Borough since August of 1964; and

WHEREAS, Dave Oliver spent 9 years at Middlesex High School as a teacher of History, a Guidance Counselor and as a coach of football and track; and

WHEREAS, Dave Oliver has coached Pop Warner football for a number of years, managed a team in the Middlesex Little League and spent many years as a Cub Scout Leader; and

WHEREAS, effective January, 2014 Dave Oliver will have spent a total of thirteen years on the Board of Education; and

WHEREAS, Dave Oliver served two terms on the Borough Council and also was recently a member on the Shade Tree Commission; and

WHEREAS, Dave Oliver spend thirty six years in public education at the high school level at Phillipsburg, Middlesex, Dayton Regional in Springfield, West Windsor-Plainsboro Regional in Princeton Junction, and as Principal in both Hopewell Valley Central High School in Pennington, and Ferris High School in Jersey City; and

WHEREAS, upon retirement from the public school system Dave Oliver was employed by Rider University as a professor, Director of the Student Teaching Program and Chair of the Department of Teacher Education; and

WHEREAS, now fully retired he spends his time skiing, traveling, reading, volunteering, and serving as an Elder in Charge of the Stewardship Commission at the Bound Brook Presbyterian Church; and

WHEREAS, Dave and his wife Marion are proud parents to sons David and his wife Lisa and also Matthew and his wife Dana, along with grandchildren Austin and Madeleine; and

WHEREAS, The Oliver’s share a deep loyalty and fondness for Middlesex Borough!

NOW THEREFORE, I, Ronald S. Dobies, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to thank and honor Dave Oliver for all of his contributions to our community by presenting to him this proclamation that I now hereby set my hand and the Seal of the Borough of Middlesex to in witness whereof on this 9th day of April 2013.

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1824-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2013 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$167,032.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$389,741.49 and that the CY 2013 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Dobies opened the public hearing on Ordinance No. 1824-13.

Pete Wasniak, 1200 Sheridan Avenue questioned why we were establishing an ordinance to exceed the municipal budget appropriation limits and to establish a cap bank.

Seeing that there was no further public participation, Mayor Dobies closed the public hearing on Ordinance No. 1824-13.

Council President DiMura made a motion for adoption , 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 Ordinance No. 1825-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1825-13

AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE, SECTION 371-1 STORAGE OF CERTAIN MATERIALS AND EQUIPMENT RESTRICTED; SECTION 317-9 DEFINITIONS; SECTION 317-12 ADMINISTRATIVE PROVISIONS AND SECTION 317-13 VIOLATIONS AND PENALTIES IN THE CODE OF THE BOROUGH OF MIDDLESEX

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

Section 317-1 Storage of Certain Materials and Equipment Restricted is amended to read as follows:

§ 317-1. Storage of certain materials and equipment restricted.

Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex, is prohibited on any property within 1,000 feet of any dwelling except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building, or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-9 Definitions is amended to include the following:

§ 317-9. Definitions.

ENFORCEMENT OFFICER – Except as defined in § 317-12A, the enforcement officer shall be the Construction Official or his authorized representative. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex shall be authorized to enforce § 317-1 of this Chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles

which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-12 Administrative Provisions is amended to include the following:

§ 317-12. Administrative provisions.

F. Odors and Airborne Particles. Notwithstanding the provisions of this section, if it is determined by the enforcement officer that there is an immediate disturbance to the comfort and convenience of any resident of the Borough of Middlesex by means of any pervasive or obnoxious odors, or airborne particles which cause disturbances of a person of normal sensitivity, then no notice shall be required hereunder and the enforcement officer may immediately issue a summons of violation to a person or entity.

Section 317-13 Violations and penalties is amended to read as follows:

§ 317-13. Violations and penalties.

Any person or entity who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof, be punished as follows, for each such violation occurring during any calendar day being considered a separate offense:

- A. For the first offense, by a fine not less than \$500 or more than \$2,000.
- B. For a second offence, by a fine not less than \$1,000 or more than \$2,000.
- C. For a third offense or any subsequent offenses, by a fine of not less than \$1,500 or more than \$2,000.

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 the above-captioned sections of Chapter 317 Property Maintenance of the Code of the Borough of Middlesex.
- 2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor Dobies opened the public hearing on Ordinance No. 1825-13. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1825-13.

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

The Borough Clerk read Ordinance No. 1826-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1826-13

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE
OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO
CREATE CHAPTER 320, LANDLORD REGISTRATION**

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

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

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwellings within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each unit contained within a dwelling.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.
- c. Upon the filing of a completed registration form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit shall be inspected at least once during the 12 months license period. The Borough of Middlesex Construction Office will contact the owner of the rental unit to arrange for an inspection during the license year. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.

- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall be inspected at least once in every 12 month period, and upon each change in tenancy, for purposes of the issuance of a certificate of occupancy. Such inspection shall be for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- 1. Fees:
 - (i) An bi-annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:
 - 1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
 - 2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.
 - (iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s) and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days, and if not made within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 18 of this Ordinance.

- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, unless another penalty is provided, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. 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 THREE. This Ordinance shall take effect immediately upon final passage and publication according to law.

Council President DiMura made a motion to table the adoption of Ordinance 1826-13 until April 23, 2013 seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

NEW BUSINESS

The Borough Clerk read Ordinance 1827-13 by title for introduction.

ORDINANCE NO. 1827-13

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

TITLE	SALARY BASE	RANGE TO
Full Time Employees		
Chief of Police	130,670	150,000
Borough Clerk	70,407	80,000
Deputy Borough Clerk	47,009	55,000
Tax Collector/Purchasing Agent	64,290	72,000
DPW Superintendent	81,822	112,506
DPW Assistant Superintendent	79,801	90,000
Director - Office on Aging	42,560	48,000
Chief Financial Officer/Treasurer	66,770	75,000
Recreation Director	57,322	65,000
Court Administrator	51,000	61,000
Part Time Employees		
Assistant Recreation Director	10,861	13,000
Recreation Commission Secretary	1,112	1,300
Tax Assessor	30,600	36,000

Electrical Sub-Code Official	11,678	14,000
Board Health Secretary/Registrar	4,750	5,000
Shade Tree Secretary	2,375	2,600
Juvenile Conference Committee Secretary	1,983	2,350
Municipal Magistrate	33,397	37,000
Assistant Municipal Magistrate	26,206	32,000
Prosecutor	24,399	27,000
Plumbing Sub-Code Official	13,496	15,000
Fire Sub-Code Official	11,014	14,000
Planning and Zoning Clerk(per Meeting)	175	185
Deputy Registrar	2,750	3,200
Alternate Registrar	250	250
Construction Official	47,740	53,500
Code Enforcer/Zoning Official	25,500	30,000
IT Program Manager	54,600	60,000

Hourly Employees	Per Hour	Per Hour
Pre-School Program Coordinator	10.00	15.00
Pre-School Program Instructor	10.00	14.00
Police Secretary	19.00	25.00
Construction Clerk	12.00	16.00
Court Clerk	15.00	17.00
Sr. Transportation	12.00	15.00
Medical Transportation Driver	11.00	14.00
Meals on Wheels Driver	11.00	14.00
Playground Coordinator (Seasonal)	12.00	15.00
Playground Site Supervisor (Seasonal)	10.00	12.00
Playground Counselor (Seasonal)	7.25	10.50
Police Matrons	15.00	20.00
Crossing Guards	13.77	16.00
Laborer (DPW)	12.00	16.00
Administrative Clerk	12.00	16.00
Records Clerk (Police)	12.00	16.00

SECTION 2

Rates of Compensation established above shall serve as a guide in employment and subsequent changes in rate of employees hired after passage of this ordinance.

SECTION 3

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are and the same are hereby repealed.

SECTION 4

This Ordinance shall take effect upon its final passage, approval and publication according to law.

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

ADOPTION OF MINUTES

Councilwoman Tackach moved the approval of the March 26, 2013 Regular Meeting Minutes and March 26, 2013 Executive Session Meeting Minutes seconded by Councilwoman Jenkins and carried by a majority of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the March, 2013 Finance Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light - Nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad – Nothing to report.
4. Public Works/Parks/Sanitation/Recycling - Nothing to report.
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach moved the approval of the February, 2013 Construction Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Nothing to Report
 - (a) Councilman Schueler reported that he is working on the Personnel Policy with Council President DiMura and should have something for council to review at the April 23, 2013 meeting.

REPORTS

Mayor

Make a Difference Day, April 14th – Mayor Dobies received a letter from Watchung School looking for the Borough to donate one truck load of mulch to help them with Make a Difference Day. Mayor Dobies mentioned that if the council wishes to comply we could take the money from the Clean Community Grant Fund. The cost of the mulch should cost around \$275.00.

Council President DiMura 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.

Computerization – The Mayor is working with Mr. Zittel to establish individual lap-top computers for the Governing Body for security and operational uses. The computers will be established at their homes and it will be their responsibility to maintain and return them when their term is over. These computers can be used during the Governing Body meetings. Ms. Anello is attending a software seminar for clerks dealing with software that would setup the meeting agenda's along with the minutes.

Buyout Consulting Status – The Mayor is proceeding with the finalization of the closeout procedure for the 7 buyout properties. He received a DEP letter indicating that their assessment identified the historical use of agricultural pesticides as a potential area of concern. Pursuant to Green Acres' Regulations, the Borough of Middlesex must address this to the Department's satisfaction before Green Acres can disburse funding. The Mayor spoke with the Environmental Attorney and T&M and they indicated this would involve a total for 14 sampling holes, 2 for each of the 7 properties, to comply. The Mayor sent an email to our FEMA representatives to assure the costs are covered by the grant.

Personnel Policy – The Mayor started reviewing and comparing our current personnel policy against other towns as well as the JIF's. The Mayor offered to Councilman Schueler these personal policies for further review as he stated at tonight's meeting that he was working on it as well.

Ordinance Changes – The Mayor questioned the revision of the administrator's ordinance as we need to update since we have had for some time a certified CFO and Purchasing Agent. He also questioned if they want the mayor responsible in the absence of the administrator.

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(G)

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 #116-13 – Resolution #122-13

Councilman Schueler made a motion for approval, seconded by Council President DiMura 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 #116-13

WHEREAS, bids were received on March 27, 2013 for one (1) 2014 Mack MRU613 with McNeilus M323 XC 32 yard rear packer; and

WHEREAS, one bid listed below was received:

Base Bid

Cambria Automotive Companies, Inc.
116 Talmadge Road
Edison, NJ 08817

\$224,326.00

This is to be through "Municipal Lease" purchase financing. The terms are listed below:

Term in Months:	Sixty (60)
Payment Timing:	Annual in Advance
Payment Amount:	\$47,170.53
Underwriting Fee:	\$395.00
Payment Factor:	0.210277
Total Amount Funded:	\$224,326.00
Annual Percentage Rate:	2.570%

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

1. At the recommendation of the Purchasing Agent, the Governing Body hereby awards the contract for the 2014 Mack MRU613 with McNeilus M3213 XC 32 yard rear packer to Cambria Automotive Companies, Inc. in the amount of \$224,326.00.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that the funds in the amount of \$224,326.00 are available in Account No. 03-4000-00-4026-90.

The Borough Clerk read the following resolution:

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

Resolution #117-13

The Tax Collector is hereby authorized to issue a check in the amount of \$17,201.92 to redeem tax sale certificate #2010-1744, Block 318, Lot 7, 223 Mountain Avenue, check is to be made payable to:

US Bank Cust Pro Capital I LLC
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #118-13

The Tax Collector is hereby authorized to issue a check in the amount of \$18,269.70 to redeem tax sale certificate #2008-1708 and a check in the amount of \$17,500 for a tax sale premium, Block 167.01, Lot 6, 8 Harris Avenue, check is to be made payable to:

US Bank cust for Phoenix
2 Liberty Place
50 S 16th Street, Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #119-13

The Tax Collector is hereby authorized to issue a check in the amount of \$4,614.46 to redeem tax sale certificate #2012-1782 and a check in the amount of \$2,000 for a tax sale premium, Block 13, Lot 55, 121 Jay Place. The check is 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 #120-13

WHEREAS, Patrolman John Chismar has resigned from the Middlesex Police Department effective March 29, 2013; and

WHEREAS, Patrolman John Chismar has accumulated 352 hours of compensation time which amounts to \$9,990.32; and

WHEREAS, Patrolman John Chismar is also owed money from extra-duty jobs that he had previously worked and as the Middlesex Police Department collects that money it will be forwarded to the Finance Department for payment to him.

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

1. The Mayor and Council of the Borough of Middlesex accept the resignation of Patrolman John Chismar effective March 29, 2013.

2. The 352 accumulated compensation time amounting to \$9,990.32 be paid out to him in one lump sum and monies owed to him from previously extra-duty jobs are paid out as the Middlesex Police Department receives payment from the outside companies.
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 #121-13

WHEREAS, Greg Hurley was issued a street opening permit on 6/19/12; and

WHEREAS, Greg Hurley deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, twenty-five percent of said fee shall be taken out for administration charges; and

WHEREAS, said roadway at 119 Fairview Ave was inspected by Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Greg Hurley, 119 Fairview Ave, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2012-006.

The Borough Clerk read the following resolution:

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

Resolution #122-13

WHEREAS, Jeffrey Buccellato was issued a street opening permit on 7/30/12; and

WHEREAS, Jeffrey Buccellato deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, twenty-five percent of said fee shall be taken out for administration charges; and

WHEREAS, said roadway at 817 Voorhees Ave was inspected by Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in

the amount of \$1875.00 in favor of Jeffrey Buccellato, 313 Beechwood Ave., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2012-008.

The Borough Clerk read the following resolution:

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

Resolution #123-13

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:

- | | | |
|-------------|---------------------------|----------|
| 1. PO 53102 | Fanwood Crushed Stone, Co | \$653.80 |
|-------------|---------------------------|----------|

Councilman Kaplan 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.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Plans to clean-up Waterways/Streams throughout the Borough – Council President DiMura along with Councilman Kaplan met with the Borough Engineer regarding the clean-up of the streams. Council President DiMura noted that we must follow DEP regulations. Council President proposed that we hire 10 employees 28 hours a week for approximately 13 weeks @ \$12.00/hr. The money will come from monies allocated in last year’s budget for stream cleaning. These workers will work solely on stream cleaning. Council President suggested this be brought to the DPW Committee for further planning and review. The project will be from 7th Street to Cap Lane.

Mayor Dobies felt that we should move on this tonight and asked for a motion to move forward. Council President DiMura made a motion, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

PUBLIC COMMENTS

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

John Erickson, 209 Second Street thanked the Governing Body for moving on the stream cleaning. He was concerned that the temporary employees don’t get put on the back of the garbage truck to fill in and when we get a plan together let residents know they are working in the area to clean-up the streams and that the regulations be put on the website.. Mr. Erickson also questioned if we were replacing the patrolman that resigned.

John Madden, 103 Rock Lane discussed the oversight of the 10 workers we would hire to clean the streams and what would be done first.

Mr. Madden also questioned several trees leaning on telephone poles.

Bill Moore, 165 Barbara Place wanted to know what is going on with the Burger Tubing building on Lincoln Blvd. and its ownership. Mr. Moore suggested we have the DPW clean it up. He questioned whether we could board it up as he feels it is a safety hazard.

John Hoffman, 455 Lincoln Blvd. also questioned what happened to the police officer who resigned? Mr. Hoffman stated that Importico is storing dumpsters on New Journey's property that shouldn't be there. At least 30 boxes.

Pete Wasniak, 1200 Sheridan Avenue questioned the Borough's ability to garnish Berger Tubing taxes.

David Wolk, 429 Fairview Avenue questioned the \$2,000 Board of Health license fee for Beauty Everlasting. He feels that this company should be reclassified because they do permanent cosmetics not tattooing. Mayor Dobies moved this to the Administration Committee for further findings and asked that the Committee report back to the Governing Body in two months.

Council President DiMura addressed the questions regarding the proposal to clean-up the streams. Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, 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 #124-13

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.

- A. New Journey – Litigation
- B. DPW Worker's Compensation Claim

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

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Schueler 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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
APRIL 23, 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 requested a moment of silence to in recognition of the victims of the Boston Marathon bombing, the Texas fertilizer plant explosion and the death of former Councilman Paff's son Kyle Paff.

PRESENTATIONS

Paul Ricci attended the meeting to discuss the Master Plan areas of Concern. Mayor Dobies addressed the following items that were mentioned in several pages of the proposed Master Plan and in the objectives and are of concern: (1) Resident's housed above commercial properties; (2) Lincoln Boulevard Redevelopment – although cited I believe this is covered in a section that indicates it must be redone or at least modified periodically; (3) Public Water and Sewers in Beechwood Avenue area – very costly for the Borough and the residents and no complaints received unless the power went out; (4) 9000 square lots for duplexes; (5) Building height to 38' to 40' from 35'; (6) Split GB district into two separate districts; and (7) Ambient Lighting. Mayor Dobies requested that council review and submit a list of concerns to his attention.

PROCLAMATION

The Borough Clerk read the following Proclamation:

PROCLAMATION

WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, I, RONALD S. DOBIES, Mayor of the Borough of Middlesex, do hereby proclaim April 26, 2013, as

ARBOR DAY

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

PUBLIC HEARINGS

Borough Auditor, Andy Hodulik attended meeting and stated that the budget is increased by 1.87% over last year. There is less than a 1% increase in appropriations in total over last year. The library budget is based on the borough's assessed valuations. Their appropriations have been reduced by \$42,000 over 2012. Council President DiMura indicated that with the library decrease the increase will be \$37.65 on the average home. Without the library budget there is an increase of \$29.51 on the average home.

Mayor Dobies opened the budget hearing. Seeing no public comments, Mayor Dobies closed the budget hearing.

ORDINANCE NO. 1826-13

The Borough Clerk read Ordinance No. 1826-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

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

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwellings within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each unit contained within a dwelling.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.
- c. Upon the filing of a completed registration form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit shall be inspected at least once during the 12 months license period. The Borough of Middlesex Construction Office will contact the owner of the rental unit to arrange for an inspection during the license year. The owner and/or occupant is required

to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.

- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall be inspected at least once in every 12 month period, and upon each change in tenancy, for purposes of the issuance of a certificate of occupancy. Such inspection shall be for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

1. Fees:
 - (i) An bi-annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:
 1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
 2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.
 - (iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s) and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days, and if not made within that time period, the owner

shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 18 of this Ordinance.

- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, unless another penalty is provided, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. 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 THREE. This Ordinance shall take effect immediately upon final passage and publication according to law.

Councilman DiMura mentioned that Code Enforcer has requested changes to this ordinance, and we will be introducing a new ordinance at the next meeting with these changes.

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

The Borough Clerk read Ordinance No. 1827-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1827-13

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

TITLE	SALARY BASE	RANGE TO
Full Time Employees		
Chief of Police	130,670	150,000
Borough Clerk	70,407	80,000
Deputy Borough Clerk	47,009	55,000
Tax Collector/Purchasing Agent	64,290	72,000
DPW Superintendent	81,822	112,506
DPW Assistant Superintendent	79,801	90,000
Director - Office on Aging	42,560	48,000
Chief Financial Officer/Treasurer	66,770	75,000
Recreation Director	57,322	65,000
Court Administrator	51,000	61,000

Part Time Employees

Assistant Recreation Director	10,861	13,000
Recreation Commission Secretary	1,112	1,300
Tax Assessor	30,600	36,000
Electrical Sub-Code Official	11,678	14,000
Board Health Secretary/Registrar	4,750	5,000
Shade Tree Secretary	2,375	2,600
Juvenile Conference Committee Secretary	1,983	2,350
Municipal Magistrate	33,397	37,000
Assistant Municipal Magistrate	26,206	32,000
Prosecutor	24,399	27,000
Plumbing Sub-Code Official	13,496	15,000
Fire Sub-Code Official	11,014	14,000
Planning and Zoning Clerk(per Meeting)	175	185
Deputy Registrar	2,750	3,200
Alternate Registrar	250	250
Construction Official	47,740	53,500
Code Enforcer/Zoning Official	25,500	30,000
IT Program Manager	54,600	60,000

Hourly Employees

	Per Hour	Per Hour
Pre-School Program Coordinator	10.00	15.00
Pre-School Program Instructor	10.00	14.00
Police Secretary	19.00	25.00
Construction Clerk	12.00	16.00
Court Clerk	15.00	17.00
Sr. Transportation	12.00	15.00
Medical Transportation Driver	11.00	14.00
Meals on Wheels Driver	11.00	14.00
Playground Coordinator (Seasonal)	12.00	15.00
Playground Site Supervisor (Seasonal)	10.00	12.00
Playground Counselor (Seasonal)	7.25	10.50
Police Matrons	15.00	20.00
Crossing Guards	13.77	16.00
Laborer (DPW)	12.00	16.00
Administrative Clerk	12.00	16.00
Records Clerk (Police)	12.00	16.00

SECTION 2

Rates of Compensation established above shall serve as a guide in employment and subsequent changes in rate of employees hired after passage of this ordinance.

SECTION 3

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are and the same are hereby repealed.

SECTION 4

This Ordinance shall take effect upon its final passage, approval and publication according to law.

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

NEW BUSINESS-NONE

ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the April 9, 2013 Regular Meeting Minutes and Executive Session Meeting Minutes seconded by Councilwoman DiMura 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 – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad – Nothing to Report
4. Public Works/Parks/Sanitation/Recycling
 - (a) Councilwoman Jenkins moved the approval of the March, 2013 DPW Report seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
 - (b) Councilwoman Jenkins made a recommendation to hire 4 part time workers to cover for the full timers that are on disability. She requested to hire for 90 days on a part time basis. Council President DiMura will look at the numbers with the CFO and discuss at the May 14, 2013 Meeting.
 - (c) Shade Tree Commission Planting – The planting of 53 trees was done at Victor Crowell Park on Saturday with 40 volunteers from the Girl Scouts, Boys Scouts and Home School children. Councilwoman Jenkins thanked the DPW for the good job that they did preparing for the planting. More planting will be done on April 27th with the Girl Scouts and Boy Scouts.
 - (d) The Board of Education will be holding a Special Meeting in the Library on Thursday to approve Dr. Linda Madison's contract as the new Superintendent of Schools.
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach mentioned that Valor and Meritorious Award will be presented by the 200 Club of Middlesex County for actions during events that occurred during 2012 in Middlesex Borough. Police Officer Joleen Duca and Police Officer Thomas Carroll will receive the Valor Award and Police Officer

Thomas Falk and Police Officer Luke Kelly will both receive the Meritorious Award.

6. Administration/Office on Aging/Legislation/License/Buildings & Grounds
 - (a) Councilman Schueler mentioned that a packet of recommendations for the Personnel Policy was circulated for Council review. He requested comments be brought to him within the next 10 days and it will be discussed at the May 14, 2013 Meeting.
 - (b) T&R Discussion – Councilman Schueler mentioned that he should receive information at the May 2 Board of Health Meeting and have the ordinance for the Attorney to review.

REPORTS

Mayor

Mayor Dobies met with the representatives from Birdsall and FEMA. Mayor Dobies is now waiting for information from the DEP, but was advised that if the area where the homes are located is being developed for recreational use, if a certification is signed for each property owner we will be able to bypass the study for pesticides.

Borough Administrator Ordinance – Mayor Dobies discussed the present ordinance for Borough Administrator and indicated that it now stated that “In the absence of the Borough Administrator the Borough Clerk would fill in”. Mayor Dobies spoke with the Council President and suggested the mayor should be the backup. If no objection, the Mayor suggested introducing this ordinance at the May 14, 2013 Meeting and coordinate this with the Personnel Policy. At this time we are moving ahead with the hiring of the Borough Administrator and a new job description is needed as we are looking for an Administrator/CFO. A job description should be ready for the May 14th meeting.

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(H)

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 #125-13 – Resolution #130-13

Councilman Kaplan made a motion for approval, seconded by Councilman Schueler 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 #125-13

The Tax Collector is hereby authorized to issue a check in the amount of \$13,745.83 to redeem tax sale certificate #2011--1771 and a check in the amount of \$3,200 for a tax sale premium, Block 283, Lot 6, 711 Drake Avenue, check is to be made payable to:

US Bank cust for Phoenix
2 Liberty Place
50 S 16th Street, Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #126-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR TURNOUT GEAR

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase twelve sets of turnout gear 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, Quaker Safety Products Corporation is under State Contract No. 80950 for the year 2013; and

WHEREAS, the cost for the purchase of turnout gear is not to exceed \$26,113.56; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of turnout gear is ordered under State Contract No. 80950 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$26,113.56 is available in Account No. 04-1818-00-1818-75.

The Borough Clerk read the following resolution:

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

Resolution #127-13

Authorizing the Mayor and Borough Clerk to execute the Developer's Agreement for 150 Lincoln Boulevard.

The Borough Clerk read the following resolution:

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

Resolution #128-13

A Resolution to affix the hours and hourly rates for certain employees of the Borough of Middlesex.

Beginning May 1, 2013 the hours are reduced from 30 per week to 28 per week.

Construction Official	James Ayotte	\$32.79
IT Project Manager	Ryan Zittel	\$37.50
Construction Clerk	Karen Wick	\$12.86
Laborer – Sanitation	Jorge Navarro	\$12.86
Laborer – Sanitation	Brian Palazzi	\$12.86
Laborer – Sanitation	Delmar Rouse	\$12.86
Laborer – Sanitation	Ronald Safar	\$12.00
Laborer – Sanitation	Kenneth Pine	\$12.00
Laborer – Sanitation	Francisco Camarillo	\$12.00

The Borough Clerk read the following resolution:

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

Resolution #129-13

WHEREAS, Sharon Smigel will be increasing her hours to 37 1/2 hours per week effective May 1, 2013 and become a full time Records Secretary in the Police Department; and

WHEREAS, Sharon Smigel has agreed to waive her health coverage in accordance with Chapter 92, P.L. 2007 and Chapter 2, P.L. 2010 with the State Health Benefits Program; and

WHEREAS, Sharon Smigel's annual salary will be \$28,946.

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. Sharon Smigel is hereby approved as Records Secretary in the Police Department effective May 1, 2013 at 37 1/2 hours per week at an annual salary of \$28,946.
2. Sharon Smigel has agreed to waive her health coverage in accordance with Chapter 92, P.L. 2007 and Chapter 2, P.L. 2010 with the State Health Benefits Program
3. This resolution shall take effect May 1, 2013.

The Borough Clerk read the following resolution:

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

Resolution #130-13

WHEREAS, three bids were received on April 18, 2013 for the proposal for tree removal/trimming and stump grinding; and

WHEREAS, listed below are the bids received for this project:

	Andy Matt Inc	Predator Tree Svc	Tuff Greens
Item #1 Tree Removal/Trimming	189.00	125.00	180.00
Item #2 Stump Grinding	9.90	3.00	7.00
Item #3 Daily Rate	999.00	800.00	600.00

WHEREAS, the Purchasing Agent and the Shade Tree Commission recommends that Predator Tree Service LLC of Green Brook, New Jersey, be awarded this contract for the amounts listed above.

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

1. At the recommendation of the Purchasing Agent, the Mayor and Council hereby award the bid for the proposal for tree removal/trimming and stump grinding to Predator Tree Service LLC of Green Brook, New Jersey for the period of 5/1/2013 – 4/30/2015, subject to the appropriation of funds in the 2013, 2014 and 2015 budget.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies funds are appropriated in the 2013 and 2014 temporary budgets and final appropriations will be determined in the adopted budget.

The Borough Clerk read the following resolution:

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

Resolution #131-13

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:

1. PO 53257 Image Screen Printing, Inc \$446.00

Council President DiMura 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.

DISCUSSION ON AGENDA WORKSHOP ITEMS- NONE

PUBLIC COMMENTS

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

Pete Wosniak, 1200 Sheridan Avenue was happy with the budget and received all answers that he had from council. He was concerned with the reserve for uncollected taxes and would contact the CFO to request the amount of decrease from 2012 until 2011. Mr. Wosniak also requested the amount of time that Sharon Smigel worked part time.

John Hoffman, 455 Lincoln Boulevard discussed the following items: (1) Developer's Agreement with 150 Lincoln Boulevard; (2) Reporting of odor complaints and response from County; (3) Enforcement by Code Enforcer and Board of Health Official; (4) status of issues at 447 Lincoln Boulevard and dumpster behind Quick Chek.

Anthony Thompson, 347 Seneca Avenue discussed (1) the odor ordinance and having it posted so that people know what to do and it is enforced; (2) maintenance of the fields; and (3) status of the Burger Tubing Building.

Bill Moore, 165 Barbara Place discussed the Burger Tubing Building and the status of its clean up.

Mayor Dobies addressed all the other issues that were discussed in the public.

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

Council President DiMura made a motion to include discussion on the DPW Worker's Compensation Case to executive session seconded by Councilwoman Tackach and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

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

Resolution #132-13

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.

- A. Part Time Employee Increases
- B. Increase in Hours for Administrative Assistant
- C. Retirement of Corporal Marsh

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler 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 Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MAY 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 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

APPOINTMENTS

Mayor Dobies appointed David Oliver to be a member of the Appeal Panel for the Criminal Background Checks for volunteer coaches seconded by Councilman DIMura and carried by a unanimous vote of Council.

PROCLAMATION

The Borough Clerk read the following Proclamation:

**Proclamation
Police Week & Peace Officers Memorial Day**

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them again

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Middlesex Borough Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Middlesex Borough; and

st violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Middlesex Borough Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I Mayor Ronald S. Dobies, call upon the citizens of Middlesex Borough and upon patriotic, civil, and educational organizations to observe the week of May 12 through May 17, 2013, as Police Week in which all of our citizens may join commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon the citizens of Middlesex Borough to observe Wednesday, May 15, 2013 as Peace Officers Memorial Day in honor of all officers who, by their courageous deeds, have lost their lives or have become disabled in the performance of duty.

The Borough Clerk read the following Proclamation:

Proclamation

WHEREAS, May, 2013 has been designated National Older Americans Month; and

WHEREAS, the Director of the Office on Aging has designated "Older Americans: Unleash the Power of Age" as the theme for Older Americans Month; and

WHEREAS, Middlesex Borough recognizes the value and contributions of our older citizens.

NOW THEREFORE, I, RONALD S. DOBIES, Mayor of the Borough of Middlesex, hereby proclaim May, 2013 to be Older Americans Month and urge citizens of this community to honor and celebrate this special event.

PUBLIC HEARINGS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1828-13 for introduction.

ORDINANCE NO. 1828-13

AN ORDINANCE ESTABLISHING THE BOROUGH OF MIDDLESEX ALLIANCE COMMITTEE ON ALCOHOLISM AND DRUG ABUSE

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

ARTICLE 1 - NAME

The name of this organization shall be the Middlesex Borough Municipal Alliance Committee.

ARTICLE 2 - AUTHORIZATION

As authorized by the Governing Body of the Borough of Middlesex through a resolution, this group shall serve as the Alliance of the above said municipality in accord with P.L. 1989, C.51.

ARTICLE 3 – PURPOSE & FUNCTION

In accord with P.L. 1989, C.51 (C.26:2BB-8), the Middlesex Borough Municipal Alliance Committee on Alcoholism and Drug Abuse purpose is:

- a. Organize and coordinate efforts involving school, law enforcement, business and community groups for purpose of reducing alcoholism, drug abuse and crime.
- b. Develop comprehensive alcoholism and drug abuse education, out reach and support efforts for parents.
- c. Develop a comprehensive alcoholism and drug abuse community awareness program.
- d. Develop a community watch program.
- e. Develop and submit a plan for the expenditure of funds derived from the “Drug Enforcement and Demand Reduction Fund” pursuant to N.J.S. 2c-35-15.

ARTICLE 4 – MEMBERSHIP

Membership on the Municipal Alliance Committee shall be appointed by the Municipal Alliance Chairperson, and shall include but not necessarily be limited to representatives of the following groups:

Section 1 – Membership

- a. Council Member
- b. Police Officer
- c. Municipal Employee
- d. Representative of local religious groups
- e. Youth representative
- f. At least two residents of the Borough of Middlesex

Section 2 – Requirements

- a. Members shall be legal residents within Middlesex Borough.
- b. A quorum of 8 is necessary to conduct an Alliance meeting. The majority of the quorum is required for a decision making vote.
- c. Any member employed by or on the governing board of an agency which has an interest or may potentially profit from a particular Municipal Plan, shall advise the Alliance Committee of such interest and may refrain from voting on that individual Municipal Plan.

ARTICLE 5 – FUNCTIONS

The functions of the Municipal Alliance Committee shall be:

- a. To create a network of community leaders, private citizens, and representatives from public and private human service agencies who are dedicated to promoting and supporting alcohol and other drug and crime prevention and education programs.
- b. To conduct an assessment of community wide needs pertaining to Alcohol and other drug abuse issues.
- c. To identify existing efforts and services acting to reduce alcohol and other drug abuse.
- d. To assist in the development of programs at the Municipal level that accomplishes the purpose of the Alliance efforts.
- e. To assist the municipality in acquiring funds for Alliance programs.
- f. To cooperate with the Governor's Council on Alcoholism and Drug Abuse, as well as the County Alliance Committee to provide data, reports, or other information that may be needed to assist in the Alliance effort.

ARTICLE 6 – MEETINGS

Meetings shall be held as the schedule is adopted as the last meeting of the calendar year, each year, which will include the time and place of the meeting. Quorum shall consist of one-third (8 members) of its current membership. All meetings shall be open to the public and conducted in accordance with the New Jersey Open Public Meeting Act. All official actions shall be in the form of motions, duly seconded, and carried by a majority of the membership present, provided as quorum is present. Robert's Rule of Order shall be followed unless herein modified regarding all meetings.

ARTICLE 7 - FUNDING

The Alliance shall develop a comprehensive plan to provide matching funds at least equivalent to the amount of monies received from DEDR funds. These matching funds shall be a minimum of 25% cash and in-kind services. All decisions of the MACADA involving the use and expenditure of funds require a vote of a simple majority of members of the Alliance.

ARTICLE 8 – VOTING PROCEDURES AND ADOPTION

All decisions require a quorum to be present; a quorum being defined herein as at least one-third 1/3; 8 members, of the appointment membership. Each appointed member of the Alliance shall have one (1) vote.

ARTICLE 9 – CONFLICT OF INTEREST

A conflict of interest may exist if a MAC member can reasonably expect that his or her conduct will directly result in a financial benefit to him or herself, his or her family members, his or her business associates, his or her employers, or to businesses that the member represents. In situation where a conflict of interest may exist, the MAC member must recuse him or herself. All Municipal Alliance Committees must have their members sign conflict of interest statements annually to be made available for review by the county and/or GCADA.

Recusal means that the individual is not participating in deliberations or debates, making recommendations, giving advice, considering findings, voting or in any other way assuming responsibility for or participating in any aspect of the decision making regarding the matter, where there are potential conflicts of interest.

Consultants or providers who are directly or indirectly involved in providing prevention services to the municipal Alliance are subject to the recusal requirements.

ARTICLE 10 – AMENDMENT

All proposed amendments or proposed changes to the mission statement shall be presented to the Alliance one (1) month prior to the formal voting meeting. All decisions on amendments or changes to the mission statement require a majority vote of the attending voting membership.

The mission statement was duly adopted with a majority vote and with the issuance of Borough Resolution dated March 13, 1990. Revised Borough Resolution #50-13, dated January 22, 2013.

Council President DiMura made a motion for introduction 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 Ordinance No. 1829-13 for introduction.

ORDINANCE NO. 1829-13

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

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

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each individual unit contained within a dwelling available or offered for rent or currently rented. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering and licensing as provided herein, including any renewals, amendments or updates without any further notice from the Borough.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.

- c. Upon the filing of a completed registration form, payment of the prescribed fee, and, if deemed necessary in the judgment of the Zoning Officer or his/her designee, a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the anniversary of the commencement date or September 1st, whichever should occur first in time. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained within the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit may be subject to an inspection hereunder upon notice. The Borough of Middlesex Construction Office will contact the owner of the rental unit to schedule an inspection. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.
- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall conform will all applicable codes, laws, regulations and/or ordinances. Periodic inspections may, in the judgment of the Borough of Middlesex Construction Office, be conducted upon notice to the owner for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act or any other applicable codes, laws, regulations and/or ordinances. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- 1. Fees:
 - (i) An annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:

1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.

(iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed for each calendar month or any part thereof following the due date of such fee.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s), laws, regulations and/or ordinances and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days, and if not made within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 320-4 (c) of this Ordinance.
- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, in addition to any another penalty that may be assessed, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. 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 THREE. This Ordinance shall take effect immediately upon final passage and publication according to law. Upon enactment of this Ordinance, every owner required to complete a registration hereunder shall file such registration form(s) and pay the prescribed fee on or before September 2, 2013. Thereafter, every owner required to complete a registration hereunder shall file such registration form(s) on or before the first Monday in September, notwithstanding any requirement hereunder to file an amended registration form.

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

ADOPTION OF MINUTES

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

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Councilman DiMura requested that the Council liaison's reach out to their departments heads to be sure that they have put everything that they want in the capital budget. Recommendations are needed by next meeting.
 - (b) Councilman DiMura moved the approval of the April, 2013 Finance Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
 - (c) Nuisance Ordinance – Council President DiMura discussed this ordinance with Construction Official and Police Chief and all calls will go directly to the Police Department. When Construction Official is working he will enforce this ordinance, and if not the police will enforce. This will be put on the website for all residents.
 - (d) Advertisement for Administrator's Position – Council President recommended some changes to the Administrator's Advertisement. Borough Clerk will advertise by Monday, May 20th.
2. Recreation/Recreation Fields/Water & Light
 - (a) Councilman Dotey stated that 300 residents have signed up for the Pool at this time.
 - (b) Councilman Doty stated that 80 people have signed up to participate in the 100th Anniversary Race
3. Fire/OEM/Board of Health/Rescue Squad – Nothing to Report
4. Public Works/Parks/Sanitation/Recycling – Nothing to Report
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach moved the approval of the March, 2013 Police Department Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds
 - (a) TNR Health Department – Councilman Schueler got a report from the Health Department that the Committee came back with ideas and information from other municipalities and the Committee was very positive that this is something that can be done. We are awaiting the proposed model ordinance and then the Borough Attorney will review.
 - (b) Personnel Policy – Input was received from Councilwoman Jenkins and this will be revisited in July.

REPORTS

Mayor

1. NJDOT Municipal Aid Program for Fairview Avenue – Borough received a \$300,000 grant for this road.
2. Basement Storage – The borough has received a quote to clean up the mold in the basement storage for approximately \$2,800.
3. Fit Test – Discussed this with the labor attorney and she confirmed how this is handled in the borough.
4. Master Plan – Mayor Dobies directed the Clerk to send a letter to the Chairman of the Planning and Zoning Board that we accept the Master Plan. Council President DiMura made a motion to accept the Master Plan seconded by Councilman Schueler and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

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

Consent Agenda 2012(m)

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 #145-13 and Resolution 148-13 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 #133-13 – Resolution #144-13
Resolution #146-13 – Resolution #147-13

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 #133-13

The Mayor and Council hereby accept Corporal Brian Marsh's retirement effective May 1, 2013 and agreed to reimburse him the amount of \$58,857.97 for the following benefits.

32 Unused Vacation Days	\$ 12,246.40
423 Hours Compensation Time	\$ 20,236.32
Uniform Allowance	\$ 1,500.00

Terminal Leave (3 months)	\$ 24,875.25
TOTAL	\$ 58,857.97

The Borough Clerk read the following resolution:

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

Resolution #134-13

WHEREAS, the residents of the 200 block of Fairview Avenue have requested to have a block party on June 15, 2013 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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 Governing Body hereby grants approval to the residents of the 200 block of Fairview Avenue, to conduct a block party on June 15, 2013 between the hours of 11 a.m. and 11 p.m.
 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 #135-13

Authorizing the Mayor and Borough Clerk to execute the Office of Aging & Disabled Services Grant Agreement with the County of Middlesex for Assisted Transportation and Information & Assistance effective January 1, 2013 – December 31, 2013.

The Borough Clerk read the following resolution:

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

Resolution #136-13

Authorizing the Mayor to execute the Potential Historic Pesticide Contamination Certification Form for the Borough of Middlesex Flood-Prone Property Mitigation.

The Borough Clerk read the following resolution:

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

Resolution #137-13

WHEREAS, bids were received April 25, 2013 for Janitorial/Cleaning Services;

WHEREAS, there were seven bids received, the three lowest are listed below:

Quality Cleaning Service, LLC 574-B Union Avenue Bridgewater, NJ 08807	\$26,900.00
Neat Cleaning Services 1137 W 8 th Street South Plainfield, NJ 07080	\$14,490.00 Statutory Requirements not met
Pure Cleaning Service 706 High Street Perth Amboy, NJ 08861	\$25,020.00

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the bid for Janitorial/Cleaning Services to Pure Cleaning Service in the amount of \$25,020.00 for a two year contract beginning May 15, 2013 and ending May 14, 2015.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$25,020.00 are available in Account No. 01-2010-25-3102-105.

The Borough Clerk read the following resolution:

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

Resolution #138-13

WHEREAS, quotes were solicited on April 19, 2013 for Fireworks to celebrate the 100th Anniversary;

WHEREAS, there was one quote received which is listed below:

Garden State Fireworks PO Box 403 Millington, NJ 07946	\$25,000.00
Bay Fireworks Pyro Engineering, Inc. 999 South Oyster Bay Road, Suite 111 Bethpage, NY 11714	non responsive
Schafer Pyrotechnics 376 Hartman Bridge Road	no quote received

Ronks, PA 17572-9513

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the quote for the fireworks to Garden State Fireworks in the amount of \$25,000.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$25,000.00 are available in Account No. 01-2010-30-4200-138.

The Borough Clerk read the following resolution:

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

Resolution #139-13

The Tax Collector is hereby authorized to issue a check in the amount of \$40,859.46 to redeem tax sale certificate #2009-1734, Block 301, Lot 35, 529 Cook Avenue. The check is to be made payable to:

Sequoia Investments
PO Box 5600
Woodbridge, NJ 07095

The Borough Clerk read the following resolution:

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

Resolution #140-13

The Tax Collector is hereby authorized to issue a check in the amount of \$32,591.46 to redeem tax sale certificate #2010-1743 and tax sale premium in the amount of \$3,500, Block 314, Lot 63, 662 Voorhees Avenue, check is to be made payable to:

US Bank Cust Pro Capital I LLC
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #141-13

WHEREAS, bids were received May 3, 2013 for replacement of the rooftop chiller on the administration building;

WHEREAS, there were three bids received, which are listed below:

Sander Mechanical Service 55 Columbia Road Branchburg, NJ 08876	\$42,475.00
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Burlew Mechanical LLC 484 South Pine Avenue South Amboy, NJ 08879	\$42,534.00
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Kelin, Inc. 15 Columbia Avenue Colonia, NJ 07067	\$46,750.00
--	-------------

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the bid for replacement of the rooftop chiller to Sander Mechanical Service in the amount of \$42,475.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$42,475.00 are available in Account No. 04-1818-00-1818-83.

The Borough Clerk read the following resolution:

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

Resolution #142-13

Approving that the DPW hire 4 temporary employees for 90 days at \$12.00 per hour.

The Borough Clerk read the following resolution:

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

Resolution #143-13

WHEREAS, the residents of 342 of Fairview Avenue have requested to have a block party on Osceola Avenue between Fairview Avenue & Clinton Avenue on May 26, 2013 between the hours of 2 p.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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 Governing Body hereby grants approval to the residents of 342 Fairview Avenue, to conduct a block party on Osceola Avenue between Fairview Avenue & Clinton Avenue on May 26, 2013 between the hours of 2 p.m. and 11 p.m.
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 #144-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ONE DELL C1765 MULTIFUNCTION PRINTER FOR DETECTIVE BUREAU

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (1) One Dell C1764 Multifunction Printer 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 is under State Contract No. 70137 for the year 2013; and

WHEREAS, the cost for the purchase of the printer is not to exceed \$258.99; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of the printer is ordered under State Contract No. 70137 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$258.99 are available in Account No. 01-2010-20-1401-057.

The Borough Clerk read the following resolution:

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

Resolution #146-13

WHEREAS, the Administration Committee has revised certain sections to the Personnel Policy; and

WHEREAS, the liaison to the Administration Committee had brought to the council at the April 23, 2013 Meeting the changes that were recommended.

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

- (a) The governing body hereby adopts the personnel policy as revised.
- (b) 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 #147-13

The Tax Collector is hereby authorized to issue a check in the amount of \$980.41 to redeem tax sale certificate #2012-1784 and a check in the amount of \$400 for a tax sale premium, Block 32, Lot 2, 100 Main Street, check is 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 #145-13

Hiring David A. Sliker, Certified Recycling Professional Coordinator to provide the services and assistance for both the general recycling requirements as well as compliance issues as they may pertain to non-residential generators within the boundaries of Middlesex, NJ. Mr. Sliker will also submit the municipal Recycling Tonnage Report to the NJDEP. All services performed by Mr. Sliker be done for \$2,300.00.

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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 #148-13

WHEREAS, James Tolomeo has been employed in the DPW since November 23, 1982; and

WHEREAS, James Tolomeo has been injured at work and collecting work Worker's Compensation since April 13, 2012; and

WHEREAS, James Tolomeo has agreed to apply for disability retirement as he is unable to return to work; and

WHEREAS, in consideration for his resignation and disability retirement application the Borough will pay James Tolomeo a portion of his accrued vacation and personal days for 2013, and

WHEREAS, James Tolomeo shall be paid \$4,837.56, which represents 65% of his vacation and personal days after a credit is given to the Borough for having paid 35% during the time he has been out of work; and

WHEREAS, that amount will be paid in lieu of regular pay for 5.62 pay periods through and including July 1, 2013.

NOW FURTHER BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The governing body hereby agrees to the terms of this Memorandum of Agreement for James Tolomeo.
2. This Agreement cannot be used as evidence of custom and practice for any other employee.
3. This resolution shall take effect immediately.

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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 #149-13

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 53372	Air Power International, Inc	\$26.26
PO 53377	MJM Truck Repair & Maintenance	\$278.82
PO 53354	On Site Fleet Service	\$106.73
PV 70	Foster & Company, Inc	\$18.05
PO 53219	NJ Emergency Vehicles	\$717.50

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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

1. June 25, 2013 Regular Public Meeting – Council agreed to cancel this meeting.
2. Changes to the Administrator Ordinance – Council President DiMura suggested that the ordinance be amended to reflect the process how the candidates are interviewed and hired. This amendment will be introduced at the May 28, 2013 Regular Meeting.

3. Stream Cleaning – Mayor Dobies mentioned that this cleaning can't be done until the end of June because of DEP regulations. Councilman Kaplan mentioned that the program that was put together was geared to using professionals, but feels that we need a combination of DPW employees and Predator Tree Service. A lead person will be appointed. At this time Predator can take the trees down that are already on the ground before you approach the stream. The priority is to work on the Cap Lane Area, and Fifth, Sixth and Seventh Street. Mayor Dobies will get price from Predator to remove trees and get together with the DPW to organize and move forward.

PUBLIC COMMENTS

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

Dave Oliver, 216 Ashland Road thanked the governing body for the job done on the basketball and tennis courts. Also, he discussed the traffic patterns and safety problems at Watchung School and requested the police and governing body look to see what could be done to correct these problems.

John Erickson, 209 Second Street discussed the stream cleaning and his concern of the water pooling on Cap Lane. He suggested that the borough reach out to the Mosquito Commission to see if they can come out before July 1.

Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, 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 #150-13

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.

- A. Litigation – Sadat Associates
- B. Administrative Assistant's Salary – Clerk's Office

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler 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 Schueler and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

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

Resolution #151-13

Increasing the hours of Darcy Delvecchio, Administrative Assistant in the Clerk's Office to 28 hours per week at \$12.86 per hour effective June 3, 2013.

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

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MAY 28, 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

APPOINTMENTS-None

PROCLAMATION-None

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1828-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1828-13

**AN ORDINANCE ESTABLISHING THE BOROUGH OF MIDDLESEX ALLIANCE
COMMITTEE ON ALCOHOLISM AND DRUG ABUSE**

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

ARTICLE 1 - NAME

The name of this organization shall be the Middlesex Borough Municipal Alliance Committee.

ARTICLE 2 - AUTHORIZATION

As authorized by the Governing Body of the Borough of Middlesex through a resolution, this group shall serve as the Alliance of the above said municipality in accord with P.L. 1989, C.51.

ARTICLE 3 – PURPOSE & FUNCTION

In accord with P.L. 1989, C.51 (C.26:2BB-8), the Middlesex Borough Municipal Alliance Committee on Alcoholism and Drug Abuse purpose is:

- a. Organize and coordinate efforts involving school, law enforcement, business and community groups for purpose of reducing alcoholism, drug abuse and crime.
- b. Develop comprehensive alcoholism and drug abuse education, out reach and support efforts for parents.
- c. Develop a comprehensive alcoholism and drug abuse community awareness program.
- d. Develop a community watch program.
- e. Develop and submit a plan for the expenditure of funds derived from the “Drug Enforcement and Demand Reduction Fund” pursuant to N.J.S. 2c-35-15.

ARTICLE 4 – MEMBERSHIP

Membership on the Municipal Alliance Committee shall be appointed by the Municipal Alliance Chairperson, and shall include but not necessarily be limited to representatives of the following groups:

Section 1 – Membership

- a. Council Member
- b. Police Officer
- c. Municipal Employee
- d. Representative of local religious groups
- e. Youth representative
- f. At least two residents of the Borough of Middlesex

Section 2 – Requirements

- a. Members shall be legal residents within Middlesex Borough.
- b. A quorum of 8 is necessary to conduct an Alliance meeting. The majority of the quorum is required for a decision making vote.
- c. Any member employed by or on the governing board of an agency which has an interest or may potentially profit from a particular Municipal Plan, shall advise the Alliance Committee of such interest and may refrain from voting on that individual Municipal Plan.

ARTICLE 5 – FUNCTIONS

The functions of the Municipal Alliance Committee shall be:

- a. To create a network of community leaders, private citizens, and representatives from public and private human service agencies who are dedicated to promoting and supporting alcohol and other drug and crime prevention and education programs.
- b. To conduct an assessment of community wide needs pertaining to Alcohol and other drug abuse issues.
- c. To identify existing efforts and services acting to reduce alcohol and other drug abuse.

- d. To assist in the development of programs at the Municipal level that accomplishes the purpose of the Alliance efforts.
- e. To assist the municipality in acquiring funds for Alliance programs.
- f. To cooperate with the Governor's Council on Alcoholism and Drug Abuse, as well as the County Alliance Committee to provide data, reports, or other information that may be needed to assist in the Alliance effort.

ARTICLE 6 – MEETINGS

Meetings shall be held as the schedule is adopted as the last meeting of the calendar year, each year, which will include the time and place of the meeting. Quorum shall consist of one-third (8 members) of its current membership. All meetings shall be open to the public and conducted in accordance with the New Jersey Open Public Meeting Act. All official actions shall be in the form of motions, duly seconded, and carried by a majority of the membership present, provided as quorum is present. Robert's Rule of Order shall be followed unless herein modified regarding all meetings.

ARTICLE 7 - FUNDING

The Alliance shall develop a comprehensive plan to provide matching funds at least equivalent to the amount of monies received from DEDR funds. These matching funds shall be a minimum of 25% cash and in-kind services. All decisions of the MACADA involving the use and expenditure of funds require a vote of a simple majority of members of the Alliance.

ARTICLE 8 – VOTING PROCEDURES AND ADOPTION

All decisions require a quorum to be present; a quorum being defined herein as at least one-third 1/3; 8 members, of the appointment membership. Each appointed member of the Alliance shall have one (1) vote.

ARTICLE 9 – CONFLICT OF INTEREST

A conflict of interest may exist if a MAC member can reasonably expect that his or her conduct will directly result in a financial benefit to him or herself, his or her family members, his or her business associates, his or her employers, or to businesses that the member represents. In situation where a conflict of interest may exist, the MAC member must recuse him or herself. All Municipal Alliance Committees must have their members sign conflict of interest statements annually to be made available for review by the county and/or GCADA.

Recusal means that the individual is not participating in deliberations or debates, making recommendations, giving advice, considering findings, voting or in any other way assuming responsibility for or participating in any aspect of the decision making regarding the matter, where there are potential conflicts of interest.

Consultants or providers who are directly or indirectly involved in providing prevention services to the municipal Alliance are subject to the recusal requirements.

ARTICLE 10 – AMENDMENT

All proposed amendments or proposed changes to the mission statement shall be presented to the Alliance one (1) month prior to the formal voting meeting. All decisions on amendments or changes to the mission statement require a majority vote of the attending voting membership.

The mission statement was duly adopted with a majority vote and with the issuance of Borough Resolution dated March 13, 1990. Revised Borough Resolution #50-13, dated January 22, 2013.

Mayor Dobies opened the Public Hearing on Ordinance No. 1828-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1828-13.

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

The Borough Clerk read Ordinance No. 1829-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1829-13

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

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

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each individual unit contained within a dwelling available or offered for rent or currently rented. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering and licensing as provided herein, including any renewals, amendments or updates without any further notice from the Borough.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.

- c. Upon the filing of a completed registration form, payment of the prescribed fee, and, if deemed necessary in the judgment of the Zoning Officer or his/her designee, a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the anniversary of the commencement date or September 1st, whichever should occur first in time. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained within the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit may be subject to an inspection hereunder upon notice. The Borough of Middlesex Construction Office will contact the owner of the rental unit to schedule an inspection. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.
- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall conform will all applicable codes, laws, regulations and/or ordinances. Periodic inspections may, in the judgment of the Borough of Middlesex Construction Office, be conducted upon notice to the owner for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act or any other applicable codes, laws, regulations and/or ordinances. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- 1. Fees:
 - (i) An annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:

1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.

(iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed for each calendar month or any part thereof following the due date of such fee.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s), laws, regulations and/or ordinances and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days, and if not made within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 320-4 (c) of this Ordinance.
- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, in addition to any another penalty that may be assessed, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. 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 THREE. This Ordinance shall take effect immediately upon final passage and publication according to law. Upon enactment of this Ordinance, every owner required to complete a registration hereunder shall file such registration form(s) and pay the prescribed fee on or before September 2, 2013. Thereafter, every owner required to complete a registration hereunder shall file such registration form(s) on or before the first Monday in September, notwithstanding any requirement hereunder to file an amended registration form.

Mayor Dobies opened the Public Hearing on Ordinance No. 1829-13.

John Hoffman, 455 Lincoln Boulevard discussed this ordinance and mentioned that the original ordinance from Raritan is much longer and that the ordinance introduced tonight does not include all the items that he is concerned with. Council President DiMura mentioned that this ordinance is only the first step and if we need to amend it that they will. Also, a lot of Mr. Hoffman’s concerns are covered under separate ordinances.

Seeing that there was no further public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1829-13.

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

NEW BUSINESS

The Borough Clerk read Ordinance No. 1830-13 for introduction.

ORDINANCE NO. 1830-13

AN ORDINANCE TO AMEND CHAPTER 68 OFFICERS AND EMPLOYEES, ARTICLE X BOROUGH ADMINISTRATOR, SECTION 68-41 APPOINTMENT; TERM OF OFFICE AND SECTION 68-45 ABSENCE OR DISABILITY OF ADMINISTRATOR IN THE CODE OF THE BOROUGH OF MIDDLESEX

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

Section 68-41 Appointment; Term of Office is amended to read as follows:

A. The Borough Administrator shall be nominated for appointment by the Mayor, subject to the approval of Council. If the Mayor fails to nominate an individual for appointment within 30 days after the office of Borough Administrator is created or upon recommendation of Council to appoint a Borough Administrator, or if the Council fails to confirm any such nomination for appointment made by the Mayor, then, after the expiration of the said 30 days, the Council shall appoint a Borough Administrator. A majority vote of at least three affirmative votes shall be required for such appointment or nomination for appointment. The Mayor shall only vote in the case of a tie. The Borough Administrator need not be a resident of the Borough of Middlesex in order to qualify for the position. The term of office of the borough Administrator shall be at the pleasure of the governing body and, under normal circumstances, the Borough Administrator shall serve for the calendar year in which said person is appointed and until a successor is appointed and qualified, but the term may be shortened if the governing body deems to do so. Any vacancy shall be filled in the manner of the original appointment for the unexpired term.

B. The nomination of appointment of the Borough Administrator by the Mayor shall be upon formation and recommendation of a search and qualification committee.

1. The Mayor, Council President and the Administration Councilmatic Liaison shall comprise a search and qualifications committee to determine the necessary qualifications for

the Borough Administrator's position and to seek qualified candidates for the position of Borough Administrator.

2. The committee, by a simple majority, shall determine the required qualifications of the candidates seeking the position of Borough Administrator based on the needs of the Borough.

3. The committee shall direct and permit the Clerk of the Borough of Middlesex to advertise and solicit responses, using advertisements and medium the committee deems reasonable, from qualified and interested individuals seeking to fill the position of Borough Administrator.

4. The committee shall review the resumes and qualifications of prospective candidates seeking to fill the position of Borough Administrator and shall use its best efforts to determine which candidates, if any, to conduct further research, investigate or interview.

5. A simple majority of the committee shall determine which candidate(s) to interview and what, if any, background and verifications to conduct on candidates for the position of Borough Administrator.

6. Within 90 days after formation, the committee shall compile a list of all qualified candidates and shall rank such candidates based on the qualifications of the candidates, the objective and subjective performance of the candidates in interviews, any recommendations or other background information reviewed, experience, and the needs of the Borough. If none of the responding candidates are deemed qualified in the independent judgment of a simple majority of the committee, the committee shall report the same to Council.

7. The committee shall be considered "formed" for purposes hereunder upon vote of the simple majority of the committee that it has sufficient information to begin its duties hereunder.

8. By simple majority of the committee, the best qualified candidate, as ranked and determined hereunder in the independent judgment of the members of the committee, shall be nominated by the Mayor for consideration of approval by the Council.

9. The Council may elect to act and hire from the best qualified candidate presented by the committee or require the committee to continue the search for qualified individuals for an additional period of sixty (60) days.

Section 68-45 Absence or Disability of Administrator is amended to read as follows:

During the absence or disability of the Borough Administrator, unless stated otherwise in the Personnel Policy Manual, the Mayor shall be responsible for the day-to-day activities of the Borough and shall perform and shall make recommendations to the Council on personnel matters and shall administer and interpret the personnel matters of the Borough. If not specifically authorized in the Personnel Policy Manual, the Mayor shall seek the authorization of the Council prior to taking any action or assuming any duties of the Borough Administrator.

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 amends Chapter 68 Officers and Employees, Article X Borough Administrator, Section 68-41 Appointment; Term of Office, and Section 68-45 Absence or Disability of Administrator to read as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

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

ADOPTION OF MINUTES-None

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Waiver of Board of Health Fees for Vendors at the 100th Anniversary Celebration - Councilman DiMura requested that a letter be written to the Board of Health to waive the fees for vendors for the 100th Anniversary Celebration. Council Approved.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad
 - (a) Councilman Kaplan moved the approval of Timothy Chojnowski, Eric Berg and Skyler Tucker to the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - (b) Councilman Kaplan moved the acceptance of the resignation of Rich Reedy, Jr. from Lincoln Hose Co. #1 and Acceptance of him as a member of Parker Engine and Hose and Driver of Truck 24 seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
 - (c) Councilwoman Jenkins and Councilman Kaplan recommended that Eric Schwarz be approved as the Lead Person for the Stream Cleaning and Rob Heisch be approved as the backup. Council President DiMura made a motion to approve Eric Schwarz be the Lead Person for the Stream Cleaning and Rob Heisch be the backup seconded by Councilman Kaplan and carried by a unanimous vote of Council. A meeting will be held on Thursday to review plans.
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 – Nothing to Report

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 2012(O)

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 #152-13 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 #153-13 – Resolution #159-13

Councilwoman Jenkins 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 #153-13

WHEREAS, the resident at 7 Edward Avenue has requested to have a block party on June 29, 2013 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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 Governing Body hereby grants approval to the residents of 7 Edward Avenue, to conduct a block party on June 29, 2013 between the hours of 11 a.m. and 11 p.m.
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 #154-13

WHEREAS, URS, is working on behalf of GATX Corporation to construct a monitoring well on property owned by Cedar Rose Associates known as Block 318, Lot 50; and

WHEREAS, URS is requesting permission from the borough to travel across two borough-owned properties known as Block 318, Lot 44 and Block 319, Lot 47 off the east end of William Street and south of the Middlesex Sampling Plant; and

WHEREAS, since these parcels are in a flood hazard area, URS is preparing the relevant NJDEP permits to make authorized access into the wetlands and/or flood hazard areas; and

WHEREAS, the governing body originally adopted Resolution 62-12 at the February 14, 2012 Regular Meeting granting this access through Block 318, Lot 44 and Block 319, Lot 47, and since last year, the owner of the property where the well is located (Cedar Rose Associates) has finally consented to this access, therefore requiring the borough to update the original consent for access.

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

1. The Governing Body hereby approves access to URS on behalf of GATX Corporation across the two borough-owned properties to construct the monitoring well on Block 318, Lot 50.
2. The governing body authorizes the Mayor to execute the updated Wetlands Disturbance/Flood Hazard Area Permit.
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 #155-13

The governing body hereby hires the following DPW Temporary Employee effective June 3, 2013 – August 30, 2013 for 28 hours per week at \$12.00 per hour:

James Louis Recine
36 Rachel Trail
Piscataway, NJ

Mark William Stitt
553 Lorraine Avenue
Middlesex, NJ

Devin Andrew Sarao
132 Second Street
Middlesex, NJ

Nicholas Kevin Towey
342 Fairview Avenue
Dunellen, NJ

The Borough Clerk read the following resolution:

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

Resolution #156-13

The Tax Collector is hereby authorized to cancel and/or refund 2012 Sanitary Sewer Use Charges on the following properties:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
22/3.25	Russomanno, Anthony 501 Grandview Street	\$1,038.96
40/48	Burbage, Lori 321 High Street	\$ 830.81
139/7	Skydell, Richard A 417 Chestnut Street	\$1,031.92 – 2012 \$ 759.51 – 2011 refund

153/24	Pittman, Gloria 291 Lincoln Blvd	\$ 837.37
266/2.02	Schifano Construction Corp One Smalley Avenue	\$1,032.41
288/1	TruGreen Land Care 200 South Avenue	\$ 561.67
310/29	Fisher, Robert & Cecilia 336 Seneca Avenue	\$ 797.66
341/1	JH Reid 172-176 Baekeland Ave	\$6,503.72
344/3	Spray Tek Cedar Avenue	\$64,557.13

The Borough Clerk read the following resolution:

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

Resolution #157-13

“A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2013 BUDGET

A Temporary Budget in the amount of \$12,500.00 to provide for the payment of claims and salaries including debt service payments between the first day of January 2013 and the adoption of the 2013 budget to be set up as follows:

General Government Operations:

Building & Grounds - O/E	\$ 10,000.00
Natural Gas – O/E	\$ 2,500.00

The Borough Clerk read the following resolution:

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

Resolution #158-13

WHEREAS, a meeting was held with T&M Associates on May 9, 2013 regarding the municipal building indoor air quality/mold investigation of the basement municipal vault; and

WHEREAS, it was determined that the borough is interested in retaining the services of a qualified environmental consultant to assess the source of the moisture, verify the potential

presence of mold growth on the documents, and potential impact on the indoor air environment to recommend permanent remedial repairs; and

WHEREAS, a proposal was received from T&M Associates dated May 14, 2013 for the Municipal Building Indoor Air Quality/Mold Investigation of the Basement Municipal Vault, which itemized the scope of services that they would provide the borough.

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

1. The governing body hereby approves the proposal from T&M Associates for the municipal building indoor air quality/mold investigation of the basement municipal vault in an amount not to exceed \$2,850.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in the amount of \$2,850 are available in Account No. 01-2010-25-3102-132.

The Borough Clerk read the following resolution:

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

Resolution #159-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
ONE DELL C1760NW COLOR LASER PRINTER FOR TAX ASSESSOR**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (1) One Dell C1760NW Color Laser Printer 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 is under State Contract No. 70137 for the year 2013; and

WHEREAS, the cost for the purchase of the printer is not to exceed \$272.99; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of the printer is ordered under State Contract No. 70137 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$272.99 are available in Account No. 01-2010-20-1401-053.

The Borough Clerk read the following resolution:

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

Resolution #152-13

WHEREAS, the Recreation Department will be hiring Playground Counselors for the Summer Playground Program which will run from July 1, 2013 – August 9, 2013; and

WHEREAS, the individuals listed below have been approved by the Recreation Department and the Recreation Commission to be employed for this Summer Playground Program:

2013 SUMMER PLAYGROUND PROGRAM

NAME	RATE
Chismar, Chris	13.23
Colacci, Jenna	7.99
Costantino, Nicholas	7.25
Dornick, Christopher	7.61
Shattle, Emily	7.25
Girvan, Courtney	10.50
Girvan, Erica	9.63
Girvan, Skylar	8.39
Seif, Zack	7.61
Kaplan, Sarah	7.99
Kennick, Jessica	8.39
Keri, Christopher	11.03
Lawless, Christine	7.61
Leandro, Joe	7.61
Lester, Michael	7.61
Lorah, Carly	7.61
Dotey, Kyle	7.25
Lester, Stewart	7.25
Chismar, Mary	10.00

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

The Borough Clerk read the following resolution:

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

Resolution #160-13

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:

Council President DiMura made a motion for approval, seconded by Councilman Dotey 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

1. Mt. View Park Sign – Council President DiMura mentioned that we have received funds for this sign which was destroyed during Superstorm Sandy and suggested that it be replaced. Councilman DiMura made a motion to replace the sign at Mt. View Park seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

PUBLIC COMMENTS

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

John Erickson 209 Second Street discussed (1) 680 Bound Brook Road and his concern for noise; (2) Variance for billboard on Route 28; (3) Status of the removal of trees that are not blocking waterways; and (4) The Borough reporting status of progress or plan on the stream cleaning on borough website.

John Hoffman, 455 Lincoln Boulevard discussed (1) 680 Bound Brook Road and the zoning map; (2) Complaints made to Zoning Official about neighbor parking in yard, shingles coming off the roof and tent in the back of the house that did not have a permit; (3) Illegal 5 bedroom rental; (4) Chapter 36 Ethics and how it relates to municipal employees and (5) status of New Journey. Mayor Dobies instructed Attorney Aithal to set up a meeting with the County to discuss New Journey.

Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, 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 #161-13

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. RFP for Legal Counsel – Board of Adjustments/Planning Board

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler 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 Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
June 11, 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	Absent
Attorney:	Aravind Aithal	

APPOINTMENTS

The Mayor noted that tonight was a special night as we are promoting Corporal Jeffrey Bevan, Patrolman Craig Comiskey, and Patrolman Daniel O'Connor to Sergeant as well as recognizing the 2013 Annual Essay Contest.

Mayor Dobies read the Career Bio's followed with the Oath of Office.

Chief Young congratulated the three new Sergeants and thanked the Mayor & Council for their support. With the new promotions and the continued effort to hire 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 stated he is continuing to expedite the hiring process and hopefully get two more police officers sworn in sometime in early July.

The Borough Clerk read the following resolution:

Resolution #162-13

WHEREAS, Corporal Jeffery Bevan has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Craig Young has recommended that Corporal Bevan be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Corporal Jeffery Bevan be promoted to the rank of Sergeant effective immediately at an annual salary of \$105,805.00.

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

The Borough Clerk read the following resolution:

Resolution #163-13

WHEREAS, Patrolman Craig Comiskey has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Craig Young has recommended that Patrolman Craig Comiskey be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Patrolman Craig Comiskey be promoted to the rank of Sergeant effective immediately at an annual salary of \$105,805.00.

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

The Borough Clerk read the following resolution:

Resolution #164-13

WHEREAS, Patrolman Daniel O'Connor has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Craig Young has recommended that Patrolman Daniel O'Connor be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Patrolman Daniel O'Connor be promoted to the rank of Sergeant effective immediately at an annual salary of \$105,805.00.

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

The 2013 Annual Essay Contest Winners for the Middlesex Borough Alliance Committee read

their essays. 4th and 5th grade essay titles were "Making Positive Choices." 6th, 7th and 8th grade essay titles were "Parents the Anti-Drug." The following individuals were the winners in their category.

Grade 4 Gaven Deahl
 Grade 5 Nicole Cresitello
 Grade 6 Arpita Mukherjee
 Grade 7 Jenna Costantino
 Grade 8 Avery Reddick

The Borough Clerk read the following resolution:

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

Resolution #165-13

BOROUGH OF MIDDLESEX
COUNTY OF MIDDLESEX

RESOLUTION TO ADOPT 2013 MUNICIPAL BUDGET

of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 11,078,254.37	(Item 2 below) for municipal purposes
(e) \$ 482,579.61	(Item 5 below) Minimum Library Tax

Recorded Vote
 (Insert last name)

	((
	(Abstained	(
	((
Ayes	(Nays	(
	((
(Absent	(
			(

Current Fund:

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 645,000.00
Miscellaneous Revenues Anticipated	3,546,635.21
Receipts from Delinquent Taxes	794,694.10
2. Amount to be Raised by Taxation for Municipal Purposes (Item 6[a], Sheet 11)	11,078,254.37
5. Amount to be raised by taxation minimum library levy	482,579.61

Total Revenues	\$ 16,547,163.29
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SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
(a&b) Operations Including Contingent	10,394,930.57
(e) Deferred Charges and Statutory Expenditures - Municipal	1,303,995.00
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded from "CAPS"	2,533,124.91
(c) Capital Improvements	65,000.00
(d) Municipal Debt Service	1,301,112.81
(e) Deferred Charges - Municipal	135,000.00
(m) Reserve for Uncollected Taxes	814,000.00
Total Appropriations	\$ 16,547,163.29

<u>Swimming Pool Utility Fund:</u>	
Total Revenues	\$ 372,800.00

Total Appropriations	\$ 372,800.00
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It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 11th day of June, 2013. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2013 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Council President DiMura stated that there was a tax increase of \$29.47. This included (3) three new police officers, a new garbage truck, expanding the part-time DPW workers, 8-10 roads, stream cleaning program, and a new Administrator. Council President DiMura was very proud of the work done by the Finance Committee and with our CFO Andrea Corcoran.

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

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1830-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1830-13

**AN ORDINANCE TO AMEND CHAPTER 68 OFFICERS AND EMPLOYEES, ARTICLE X
BOROUGH ADMINISTRATOR, SECTION 68-41 APPOINTMENT; TERM OF OFFICE AND
SECTION 68-45 ABSENCE OR DISABILITY OF ADMINISTRATOR IN THE CODE OF THE
BOROUGH OF MIDDLESEX**

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

Section 68-41 Appointment; Term of Office is amended to read as follows:

A. The Borough Administrator shall be nominated for appointment by the Mayor, subject to the approval of Council. If the Mayor fails to nominate an individual for appointment within 30 days after the office of Borough Administrator is created or upon recommendation of Council to appoint a Borough Administrator, or if the Council fails to confirm any such nomination for appointment made by the Mayor, then, after the expiration of the said 30 days, the Council shall appoint a Borough Administrator. A majority vote of at least three affirmative votes shall be required for such appointment or nomination for appointment. The Mayor shall only vote in the case of a tie. The Borough Administrator need not be a resident of the Borough of Middlesex in order to qualify for the position. The term of office of the borough Administrator shall be at the pleasure of the governing body and, under normal circumstances, the Borough Administrator shall serve for the calendar year in which said person is appointed and until a successor is appointed and qualified, but the term may be shortened if the governing body deems to do so. Any vacancy shall be filled in the manner of the original appointment for the unexpired term.

B. The nomination of appointment of the Borough Administrator by the Mayor shall be upon formation and recommendation of a search and qualification committee.

1. The Mayor, Council President and the Administration Councilmatic Liaison shall comprise a search and qualifications committee to determine the necessary qualifications for the Borough Administrator's position and to seek qualified candidates for the position of Borough Administrator.

2. The committee, by a simple majority, shall determine the required qualifications of the candidates seeking the position of Borough Administrator based on the needs of the Borough.

3. The committee shall direct and permit the Clerk of the Borough of Middlesex to advertise and solicit responses, using advertisements and medium the committee deems reasonable, from qualified and interested individuals seeking to fill the position of Borough Administrator.

4. The committee shall review the resumes and qualifications of prospective candidates seeking to fill the position of Borough Administrator and shall use its best efforts to determine which candidates, if any, to conduct further research, investigate or interview.

5. A simple majority of the committee shall determine which candidate(s) to interview and what, if any, background and verifications to conduct on candidates for the position of Borough Administrator.

6. Within 90 days after formation, the committee shall compile a list of all qualified candidates and shall rank such candidates based on the qualifications of the candidates, the objective and subjective performance of the candidates in interviews, any recommendations or other background information reviewed, experience, and the needs of the Borough. If none of the responding candidates are deemed qualified in the independent judgment of a simple majority of the committee, the committee shall report the same to Council.

7. The committee shall be considered "formed" for purposes hereunder upon vote of the simple majority of the committee that it has sufficient information to begin its duties hereunder.

8. By simple majority of the committee, the best qualified candidate, as ranked and determined hereunder in the independent judgment of the members of the committee, shall be nominated by the Mayor for consideration of approval by the Council.

9. The Council may elect to act and hire from the best qualified candidate presented by the committee or require the committee to continue the search for qualified individuals for an additional period of sixty (60) days.

Section 68-45 Absence or Disability of Administrator is amended to read as follows:

During the absence or disability of the Borough Administrator, unless stated otherwise in the Personnel Policy Manual, the Mayor shall be responsible for the day-to-day activities of the Borough and shall perform and shall make recommendations to the Council on personnel matters and shall administer and interpret the personnel matters of the Borough. If not specifically authorized in the Personnel Policy Manual, the Mayor shall seek the authorization of the Council prior to taking any action or assuming any duties of the Borough Administrator.

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 amends Chapter 68 Officers and Employees, Article X Borough Administrator, Section 68-41 Appointment; Term of Office, and Section 68-45 Absence or Disability of Administrator to read as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1830-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1830-13.

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

NEW BUSINESS

ADOPTION OF MINUTES

Councilwoman Jenkins moved the approval of the May 14, 2013 and May 28, 2013 Regular and Executive Session Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Councilman DiMura moved the approval of the May, 2013 Finance Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

Council President DiMura congratulated the 100th Anniversary Committee along with Councilman Kaplan and Councilwoman Jenkins for a successful Fishing Derby. 110 kids signed up and it was a great time by all.

2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad – Nothing to Report
4. Public Works/Parks/Sanitation/Recycling
 - (a) Councilwoman Jenkins moved the approval of the April, 2013 DPW Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
5. Police/Legal/Code Enforcement/Municipal Court – Nothing to Report
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Nothing to Report

REPORTS

Mayor's Report

1. Sale of Recycling Containers – The Mayor has setup a program for the sale of the large and square recycling containers. The 20 gallon round recycling container will cost \$11.00 while the 14 gallon square recycling container with a lid will be \$10.00. The cost for one of each will be \$21.00. They will be sold on Wednesday's only and payment will be only by check. The checks will be placed in a lock box and given to the CFO who will have the key to the box.

New Owners will continue to receive (1) one free 20 gallon container and (1) one free 14 gallon container. They must show a Certificate of Occupancy indicating they are a new owner to get these containers.

2. Sandy Recovery: DSR MID-002 Grant – Mayor Dobies stated that the Borough received a grant for \$36,000 to help with the stream cleaning program from Cap Lane to 7th Street. Mayor Dobies will send a letter to the residents in the affected area keeping them informed.
3. Abandon/Vacant Properties in Violation of Property Maintenance – Mayor Dobies stated that there are 20 homes that are in need of clearing high grass and/or other maintenance problems which could involve the use of our DPW staff. He has established a program that would allow us to get back any of our costs. The program calls for our Code Enforcer, REHS, and the County Fire Inspector inspecting all the properties and only if we have health, fire, or safety code will we address the situation and remediate. Mayor Dobies will call the owner, the bank or the holding company informing them of the violation or the Code Enforcer will send a letter. They will have 10 days to correct the problem or a violation notice will be sent and court day established.

Council President DiMura and Councilman Schueler stressed the need for documentation of it being a health/safety hazard and that it is being billed back to the homeowner or place a lien on the property.

Council President DiMura made a motion to move forward with the Mayor’s Abandon/Vacant Properties in Violation of Property Maintenance Report seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, and Schueler. 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 2012(P)

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 #152-13 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 #166-13 – Resolution #173-13

Councilwoman Jenkins made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, and Schueler. 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 #166-13

The Tax Collector is hereby authorized to cancel and/or amend 2012 Sanitary Sewer Use Charges on the following properties:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
259/6	Fram-Trak Ind Inc 205 Hallock Avenue	\$3993.23 – billed \$ 396.70 – amend
Water meter was bad and has been changed, owner was overcharged		
285/35	Santiago, Nancy 704 Voorhees Avenue	\$1221.21 – cancel

The Borough Clerk read the following resolution:

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

Resolution #167-13

A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, N.J. HEALTH BENEFITS PLANS

WHEREAS, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

WHEREAS, certain retired employees of the Borough have applied for reimbursement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw checks, charged against Insurance (1) Group Insurance for Employees from the period January through June 2013, as follows:

Robert H. Agans \$578.40 16 Marlborough Avenue Middlesex, NJ 08846	Archie J. Blood, Jr. \$578.40 54 Lincoln Avenue Barnegat, NJ 08005
Patricia Benson \$629.40 445 Harris Avenue Middlesex, NJ 08846	Arthur Roberts \$578.40 305 Harris Avenue Middlesex, NJ 08846
Earl S. Thompson \$578.40 6525 41 Avenue North St. Petersburg, FL 33709-4907	Susan Cole \$692.40 246 Oak Drive Middlesex, NJ 08846
Rita Wahler \$599.40 16 Fitzsimmons Ave Middlesex, NJ 08846	Anthony Cole \$578.40 246 Oak Drive Middlesex, NJ 08846
Charlie Nash \$578.40 213 Melrose Avenue Middlesex, NJ 08846	Diane Nash \$578.40 213 Melrose Avenue Middlesex, NJ 08846
Lorraine Smith \$578.40 5602 Gold Ct. New Bern, NC 28560-9747	John Giuliano \$578.40 339 Second Street Middlesex, NJ 08846
Jerome Nowak \$578.40 6544 North Kennedy Avenue Fresno, CA 93710	
Dorothy Coren \$663.00 20 Mead 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 #168-13

The application for renewal of Liquor Licenses for the year 2013-2014 which have been approved by the Police Department, Fire Department, Board of Health and be accepted; and the Borough Clerk is hereby authorized to issue the following licenses in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

R&C Lettiere, Inc. t/a Endzone Lounge 425 Bound Brook Road	1211-33-001-003
Rikjo Liquors, Inc. t/a Middlesex Liquor Store 708 Union Avenue	1211-44-005-002
OK Liquors, t/a Cub Liquors, Inc. 242 Lincoln Boulevard	1211-32-011-004
Vilaverdense t/a Vincenzo's Restaurant 665 Bound Brook Road	1211-33-012-004
Middlesex Lodge 2301 BPO Elks 545 Bound Brook Road	1211-31-014-001
Pearldhyan, Inc. 657 Lincoln Boulevard	1211-44-006-003
Ellery's Grill, Inc. 701 Lincoln Boulevard	1211-32-004-002
Faron Realty Management, LLC t/a Ferraro's Pizza & Pub 275 Lincoln Boulevard	1211-33-002-007
Carpaccio Ristorante Inc. 651 Bound Brook Road	1211-33-010-002
Cahoots, Inc. 624 Lincoln Boulevard	1211-33-003-003
John W. Lupu Memorial Post 306 The American Legion 707 Legion Place	1211-31-013-001
Timothy Kerwin's Inc. 353 Bound Brook Road	1211-33-009-002

The Borough Clerk read the following resolution:

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

Resolution #169-13

The governing body hereby accepts the resignation of Maryann Doesburgh as police matron effective May 16, 2013.

The Borough Clerk read the following resolution:

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

Resolution #170-13

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

WHEREAS, On May 30, 2013 Chief Young recommended Police Officer Luke Kelly 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 Luke Kelly be and is hereby advanced in grade to Patrolman Class "F" effective June 13, 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 #171-13

The governing Body hereby authorizes the Mayor and Borough Clerk to execute the Assurances Relating to Real Property Acquisition for the Hurricane Sandy Recovery and the Operation and Maintenance Agreement for the removal of downed trees and debris from Bound Brook in the vicinity of Seventh Avenue to Cap Lane.

The Borough Clerk read the following resolution:

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

Resolution #172-13

WHEREAS, the Mayor and Council has the sole discretion to fix and determine the salaries and compensation of the officers and employees of the Borough of Middlesex.

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 salaries and rates of compensation for the year 2013 be hereby fixed respectively as follow:

<u>Title</u>	<u>2013 Salary</u>
Court Administrator	\$ 52,148
Borough Clerk	\$ 71,991

Deputy Borough Clerk	\$	48,067
Treasurer	\$	61,635
Chief Financial Officer	\$	6,637
Tax Collector	\$	60,313
Purchasing Agent	\$	5,423
Police Chief	\$	144,743
Acting Superintendent	\$	81,597
Recreation Director	\$	58,612
Zoning Officer (PT)	\$	26,074
Assessor (PT)	\$	31,289
Director – Office on Aging	\$	43,518
Shade Tree Secretary	\$	2,422.34
Recreation Commission Secretary	\$	1,134.16
Fire Inspector	\$	11,234.28
Electrical Inspector	\$	11,911.56
Plumbing Inspector	\$	13,765.92
Juvenile Secretary	\$	2,022.66
Recreation Assistant	\$	11,078.22
Title	2013 Hourly Rate	
IT Tech	\$	38.25
Court Clerk	\$	15.30
Senior Driver (TL)	\$	12.24
Senior Driver (HM)	\$	11.22
Senior Driver (RW)	\$	13.50
Senior Driver (TK)	\$	13.50
Recycle Center	\$	14.12

The Borough Clerk read the following resolution:

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

Resolution #173-13

The Governing Body hereby hires the following DPW temporary employees for stream cleaning effective July 1, 2013 for 28 hours per week at \$12.00 per hour for approximately 13 weeks.

Vincent P. Picarelli
714 Hamilton Place
Roselle Park, NJ 07204

Daniel Michael Chemey
41 Glen Gary Road
Middlesex, NJ 08846

Keith Lamont Babbs
731 Drake Avenue
Middlesex, NJ 08846

Steven C. Sarnowski
18 Dunlap Place
Middlesex, NJ 08846

Richard N. Vizi
342 N. Lincoln Avenue
Middlesex, NJ 08846

Michael Hummer
203 Sherman 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 #174-13

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 53496 Natural Green Lawn Care \$ 295.00

Council President DiMura made a motion for approval, seconded by Councilman Doety and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, and Schueler. 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 questioned the following (1) If there were any changes from the Introduced Budget to the one Adopted Budget tonight; (2) How many Sergeants we now have; (3) Did we ever find out if we could go after the people not paying taxes by garnishing their income taxes (salaries); (4) He thought it was a good idea to keep logs for work on vacant properties; and (5) He complained about the weeds in his street being up to his knees.

John Erickson 209 Second Street thanked the Mayor, Clerk, and Council President for their fast replies regarding the zoning questions he had for the new application before the board at the old video store on Bound Brook Road. In regard to the stream cleaning program he wanted to know when the program will start. Mayor indicated that Predator will start next Monday taking down trees although they can't go into the stream until July 1st as dictated by NJDEP rules. Mr. Erickson also asked if we can either elevate the playground on Cap Lane or move it due to it always being under water.

Barbara Borkowski, 57 George Avenue wanted to publicly acknowledge and thank the Police Department regarding an ongoing issue over on George Avenue.

Mayor Dobies addressed all issues listed above. Seeing that there was no further public comment, 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 #175-13

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. DPW Certified Public Works Manager
2. Webmaster
3. Personnel: Brian Marsh Retirement,
Judge Appointment

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

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

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
July 9, 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
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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 #176-12

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 July 10, 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 July 10, 2013 at an annual salary of \$48,379.00.
2. This resolution shall take effect immediately.

Mayor Dobies indicated that the hiring of George Pilesky will be tabled as all tests have not come back. Council President DiMura made the motion to table, seconded by Councilman Kaplan and carried by a unanimous vote of council.

The Borough Clerk read the following resolution:

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

Resolution #177-12

WHEREAS, Sean Flanagan 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 Sean Flanagan be appointed to the position of Probationary Patrolman effective July 10, 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. Sean Flanagan is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective July 10, 2013 at an annual salary of \$48,379.00.
2. This resolution shall take effect immediately.

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.

Chief Young thanked the Mayor & Council for their support and their continued support effort 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 Flanagan wishing him a long and safe career.

PRESENTATIONS

Brian Schwartz, Esq attorney for Mobility Works along with owner of Mobility Works attended the meeting to apply for a Used Car License. Under Chapter 399 of the Middlesex Borough Code used car sales are to be permitted only in the General Business Zone and only where accessory to the sale of new cars, and the used car lot shall be located on the same lot with the principal use. Consent of council must be obtained before the clerk can issue a license. Council had concerns if they give them a license and then others came before council they would have

no recourse but to grant future licenses. The Council cannot impose how many are sold nor does the ordinance limit the type of cars.

Council President DiMura made a motion to deny the request for a used car license, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan Schueler, and Tackach. Nos.: None. Abstain: None.

PUBLIC HEARINGS - NONE

NEW BUSINESS

The Borough Clerk read Ordinances No. 1831-13, 1832-13, 1833-13, 1834-13, 1835-13, 1836-13, 1837-13, 1838-13, 1839-13, 1840-13 by title for introduction:

ORDINANCE NO. 1831-13

AN ORDINANCE TO AMEND CHAPTER 18, MUNICIPAL COURT, SECTION 18-4 MUNICIPAL MAGISTRATE IN THE CODE OF THE BOROUGH OF MIDDLESEX

Section 18-4 Municipal Magistrate is amended to read as follows:

There shall be a presiding Municipal Magistrate of said Municipal Court, who shall be in charge of the overall administration of the Municipal Court and who shall hear cases and do other normal duties which are inherent as part of the duties of the Magistrate. There may, in the discretion of the Council, be a second Municipal Magistrate of said Municipal Court who shall assist with the case load and who shall perform such other duties that may be assigned to him or her by the presiding Municipal Magistrate. The presiding Municipal Magistrate and second Municipal Magistrate, if any, shall be nominated for appointment by the Mayor, subject to approval of Council. The presiding Municipal Magistrate and second Municipal Magistrate, if any, shall serve a term of three years from the date of their appointment and shall until their successor, if any, is appointed and qualified.

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 18, Municipal Court, Section 18-4 to read as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

ORDINANCE NO. 1832-13

A LOAN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY

AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2013 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH THE PROCEEDS OF A LOAN IN THE NOT TO EXCEED AMOUNT OF \$3,180,000, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the various capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, to various governmental entities within the County of Middlesex, State of New Jersey (the "County"), including the County and the Authority (the "2013 Program"); and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2013 Program and to finance various capital improvements and acquire and install certain capital equipment through the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Loan and Security Agreement (the "Loan Agreement"), to be entered into by and between the Authority and the Municipality, which Loan Agreement has been approved by the County and which is attached hereto as Exhibit A, providing for the financing of various capital improvements and the acquisition and installation of certain capital equipment through the Authority, which improvements and items of equipment are described in Exhibit B attached hereto and incorporated by this reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Loan Agreement.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY 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. (a) The various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached to this loan ordinance and by this reference made a part hereof are hereby authorized as general capital improvements or purposes to be undertaken by the Municipality. For financing such improvements, purposes or loan, there is hereby appropriated the not to exceed sum of \$3,180,000.

(b) For the financing of the general capital improvements, purposes or loan and to provide monies to fund the not to exceed \$3,180,000 appropriation, a loan from the Authority to the Municipality is hereby authorized in a not to exceed amount of \$3,180,000 pursuant to the County Improvement Authorities Law and the Local Bond Law, N.J.S.A. 40A:2-1 et seq, as amended and supplemented (the "Local Bond Law").

(c) The general capital improvements hereby authorized and the purposes for which the above-described loan is authorized are the various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto.

(d) The estimated maximum amount of the loan for the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto is \$3,180,000.

(e) The estimated cost of said general capital improvements or purposes is \$3,081,700, with a not to exceed amount of \$3,180,000, which not to exceed amount includes all costs of issuance and items of expense listed in and permitted under section 20 of the Local Bond Law.

Section 2. Pursuant to the County Improvement Authorities Law and N.J.S.A. 40:23-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Loan Agreement, which Loan Agreement provides for various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality to be financed with the proceeds of County-Guaranteed Capital Equipment and Improvement Revenue Bonds, Series 2013 (the "Bonds") to be issued by the Authority under a resolution to be adopted by the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment and Improvement Revenue Bonds" (the "General Bond Resolution"). The Loan Agreement, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 3. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Loan Agreement authorized by this ordinance, including without limitation, (i) all Basic Loan Payments and Loan Payments obligations of the Municipality under the Loan Agreement, including Authority Administrative Expenses and Additional Loan Payments, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Loan Agreement pursuant to the County Guarantee, including County Guarantee Costs, and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Loan Agreement and the County Guarantee ((i), (ii) and (iii) collectively, the "Loan Payment Obligation"). The Loan Payment Obligation under the Loan Agreement shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy ad valorem taxes upon all the taxable property within the Municipality for the payment of the Loan Payment Obligation thereunder without limitation as to rate or amount.

An Authorized Municipal Representative (as defined in the Loan Agreement) is hereby authorized and directed to execute the Loan Agreement on behalf of the Municipality in the form as attached hereto in Exhibit A, along with any of the aforesaid necessary changes, and the Clerk of the Municipality is hereby authorized to attest to such signature and affix the seal of the Municipality thereto and the Loan Agreement is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Loan Agreement.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Loan Payment Obligation for which the Municipality shall be obligated hereunder, which, inter alia, will be used for the payment of principal of and interest on the Bonds of the Authority, shall not exceed the sum necessary to (a) undertake the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and described in Exhibit B, (b) pay interest on the Authority's Bonds allocated to the Municipality's various capital improvements and items of equipment, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Loan Payments, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Loan Agreement, as and if applicable.

(b) The Bonds shall mature no later than ten (10) years from the date of issue.

(c) The Loan Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Loan Agreement have been satisfied, notwithstanding the occurrence of any other event.

(d) The various capital improvements and items of equipment described in Exhibit B attached hereto are hereby approved to be undertaken and financed through the Authority in accordance with the terms of the Loan Agreement, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

(e) The average period of usefulness of the various capital improvements and items of equipment described in Exhibit B attached hereto within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the loan authorized by this loan ordinance, shall not exceed ten (10) years.

(f) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Municipality 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 Municipality as defined in the Local Bond Law is increased by the authorization of the loan provided for in this loan ordinance by \$3,180,000 and the said loan authorized by this loan ordinance will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$600,000 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 various capital improvements and items of equipment described in Exhibit B attached hereto.

Section 5. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Loan Agreement. The Mayor, Clerk, Chief Financial Officer or any other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 6. The Mayor, Clerk, Chief Financial Officer of the Municipality or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Loan Agreement, the undertaking of the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and all related transactions contemplated by this ordinance.

Section 7. Upon the payment of all amounts referenced in Section 4(c) herein, the full faith and credit pledge of the Municipality as to its Loan Payment Obligation authorized herein shall cease to exist.

Section 8. The capital budget of the Municipality is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the Clerk of the Municipality and is available for public inspection.

Section 9. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 10. The Municipality reasonably expects to reimburse any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance and paid prior to the entering into of the loan authorized by this loan ordinance with the proceeds of such loan. This Section 10 is intended to be and hereby is a declaration of the Municipality's official intent to reimburse

any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance to be incurred and paid prior to entering into of the loan authorized herein all in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and any regulations promulgated thereunder.

Section 11. The Clerk of the Municipality is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

Section 12. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

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.

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.

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, 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.

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.

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.

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.

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.

ORDINANCE NO. 1839-13

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 407, VEHICLES AND TRAFFIC; SECTION 407-22.1 PARKING OF COMMERCIAL TRAILERS

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:

407-22.1 Parking of Commercial Trailers

Notwithstanding any other restrictions under Chapter 407 of the Code of the Borough of Middlesex, no trailer licensed, designed or used for commercial purposes shall be permitted to park or remain on any street or highway or portion thereof within the Borough between the hours of 9:00 PM and 8:00 AM. Between the hours of 8:01 AM and 8:59 PM, trailers licensed, designed and being actively used for commercial purposes may be parked for no more than two hours within the Borough so long as such trailer is situated within 100 feet of the location where such commercial activity is then actively occurring.

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.

ORDINANCE NO. 1840-13

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 351, SOLID WASTE, SECTION 351-29.1 LOCATION

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:

351-29.1 Location

All outdoor dumpsters located at or upon any property within the Borough used for any non-residential purposes or for multi-family residential purposes shall be suitably screened from view and set back from property lines as otherwise required under the Code of the Borough of Middlesex. Notwithstanding any other provision of this Code, any outdoor dumpster within the Borough that is not suitably screened from view and set back from property lines as required hereunder shall make application to the Zoning Officer of the Borough for approval of suitable screening only without requirement of obtaining Site Plan approval under § 420-12 hereunder. If approval is not granted by the Zoning Officer of the Borough for such suitable screening only, then such property owner shall make an application to the Planning or Zoning Board of the Borough as otherwise required by the Municipal Land Use Law of the State of New Jersey and this Code.

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.

Municipal Clerk noted that Ordinances 1834-13, 1835-13, 1836-13, 1837-13, and 1838-13 under the Land Use Law municipalities having a Master Plan must send these proposed amendments to the Planning Board for their recommendations. Under NJSA 40:55D-26, 40:55d-64, the Planning Board has thirty-five (35) days in which to submit its recommendation to the Governing Body before final adoption.

Council President DiMura asked that we remove Ordinance 1831-13 and Ordinance 1832-13 from the consent vote of introduced ordinances seconded by Councilman Kaplan and carried by a unanimous vote of council.

Council President DiMura made a motion to accept the introduction of Ordinances 1833-13, 1834-13, 1835-13, 1836-13, 1837-13, 1838-13, 1839-13, and 1840-13 seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan Schueler, and Tackach. Nos.: None. Abstain: None.

Council President DiMura stated the reason for amending Ordinance 1831-13 was to give the Governing Body the discretion to have a second Municipal Magistrate. This change will give us the opportunity to go to once a week court saving the Borough approximately \$25,000 a year.

Council President DiMura made a motion to introduce Ordinance 1831-13 seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan Schueler, and Tackach. Nos.: None. Abstain: None.

Council President DiMura stated that Ordinance 1832-13 is the Capital Ordinance and noted that financing through the MCIA saved the Borough \$300,000. We also saved \$150,000 down payment going through the MCIA. The capital budget included the purchase of 2 new fire trucks (ladder and pump truck). By going to the same vendor for both we saved \$200,000. Council President DiMura stated that this won't have an impact on municipal budget because by the end of 2014 \$317,000 will drop off of debt services. Also included in the capital budget is \$150,000 for stream cleaning. The overall capital budget for 2013 is \$3,180,000.00

Council President DiMura made a motion to introduce Ordinance 1832-13 seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan Schueler, and Tackach. Nos.: None. Abstain: None.

Borough Clerk noted that 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 had been changed before introduction to remove under section 407-16.1 "no parking of any trailers between the hours of 9:00 pm. and 8:00 am."

ADOPTION OF MINUTES

Councilwoman Jenkins moved the approval of the June 11, 2013, Regular and Executive Session Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura reminded everyone that Saturday, July 20th is the 100th Anniversary celebration. Parade starts on Rt. 28 at Greene Avenue and ends at Mountain View Park. After the parade, the celebration begins with bands throughout the day, activities for the kids, souvenirs, food and refreshments and ending the day with a spectacular fireworks display.
 2. Recreation/Recreation Fields/Water & Light – Nothing to Report
 3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Stream Cleaning Project – Councilman Kaplan stated that we are moving along with the cleanup of the streams. Predator came out and removed four oak trees from the brook. Also we started with six temporary workers to clean brush which will be shredded and put in the woods as mulch. Tonight we are hiring the other four workers and we will continue to clean the tributaries.
 - (b) Hazmat Spill – The county hazmat team responded to a call at Spray-Tek where a 55 gallon drum fell onto a worker which had a powdered chemical in it. The chemical consisted of a “stool softener”. A summons was issued.
 - (c) Councilman Kaplan made a motion to accept Jacob Wright as a member of the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - (d) Councilman Kaplan made a motion to accept Eric Powilson to the Ride Along Program as part of the Junior Firefighter Program second by Councilman Schueler and carried by a unanimous vote of Council.
 - (e) Councilman Kaplan made a motion to accept the resignation of Tom Kurtz as Assistant Engineer of Engine 21 to become the Engineer of Engine 21 seconded by Councilman Schueler and carried by a unanimous vote of Council.
 4. Public Works/Parks/Sanitation/Recycling
 - (a) Councilwoman Jenkins moved the approval of the May, 2013 DPW Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
 5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach moved the approval of the May, 2013 Police Department Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
 6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Nothing to Report
-

Mayor's Report

1. Accepting the resignation of Doug Flannery from the Zoning Board. A motion was made by Councilman Schueler seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
2. Mayor Dobies reported that the Borough received a Forestry Grant in the amount of \$3,000.

The Borough Clerk read the following resolution:

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

Consent Agenda 2013(P)

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 #188-13 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 #178-13 – Resolution #190-13

Councilwoman Jenkins 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 #178-13

The Tax Collector is hereby authorized to issue a check in the following amounts for liens that were redeemed on June 14, 2013. The check is to be made payable to:

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

BLOCK/LOT	NAME/ADDRESS	AMOUNT	CERT NO.
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270/5.01	Land Development Technologies of NJ Wilton Ave	\$ 7,243.74	2012-1801
271/3	Land Development Technologies of NJ Wilton Ave	\$ 2,291.74	2012-1802
271/7	Land Development Technologies of NJ 111 Wilton Ave	\$ 3,409.88	2012-1803

The Borough Clerk read the following resolution:

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

Resolution #179-13

The Tax Collector is hereby authorized to issue a check in the following amounts for liens that were redeemed on June 14, 2013. The check is to be made payable to:

Michael Karanevskii, MBS
10 Stockton Street
Metuchen, NJ 08840

BLOCK/LOT	NAME/ADDRESS	AMOUNT	CERT NO.
270/3	Land Development Technologies of NJ Wilton Ave	\$10,085.14	2009-1726
271/1.01	Land Development Technologies of NJ Wilton Ave	\$10,472.54	2009-1729
271/16	Land Development Technologies of NJ Wilton Ave	\$14,141.20	2009-1733

The Borough Clerk read the following resolution:

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

Resolution #180-13

The Tax Collector is hereby authorized to issue a check for a lien that was redeemed on June 14, 2013. The check is to be made payable to:

Plymouth Park Tax Services
P O Box 2288

Morristown, NJ 07962-2288

BLOCK/LOT	NAME/ADDRESS	AMOUNT	CERT NO.
270/9	Land Development Technologies of NJ 201 Wilton Ave	\$61,844.13 \$11,000.00	2009-1728 premium

The Borough Clerk read the following resolution:

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

Resolution #181-13

The Tax Collector is hereby authorized to issue a check for a lien that was redeemed on June 14, 2013. The check is to be made payable to:

U.S. Bank-Cust/Sass Muni VI dtr
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

BLOCK/LOT	NAME/ADDRESS	AMOUNT	CERT NO.
270/9	Land Development Technologies of NJ 201 Wilton Ave	\$92,581.77 \$28,000.00	2011-1769 premium

The Borough Clerk read the following resolution:

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

Resolution #182-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
PAGERS**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase thirty pagers 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, Motorola Solutions, Inc. is under State Contract No. 83909 for the year 2013; and

WHEREAS, the cost for the purchase of pagers is not to exceed \$14,583.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of pagers is ordered under State Contract No. 83909 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$14,583 are available in Account No. 04-1797-00-1797-86.

Andrea Corcoran, CFO/Treasurer

The Borough Clerk read the following resolution:

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

Resolution #183-13

The Governing Body hereby hires the following DPW temporary employees for stream cleaning effective July 10, 2013 for 28 hours per week at \$12.00 per hour for approximately 13 weeks.

Peter Dudek
424 North Lincoln Avenue
Middlesex, NJ 08846

Marcin Halinowski
808 Forest Haven Blvd.
Edison, NJ 08817

Brandon Ortiz
3 Ruth Place
Middlesex, NJ 08846

Frank Vegglatte
40 Bristol Road
Piscataway, NJ 08854

The Borough Clerk read the following resolution:

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

Resolution #184-13

WHEREAS, the Borough has been advised by Middlesex County that we are receiving an additional \$2,386 of Community Development Block Grant funds to be allocated solely for a construction project; and

WHEREAS, the recommendation for these funds is to be designated toward the purchase of a Rescue Squad Generator; and

WHEREAS, the committee will discuss the additional funding needed for this generator at their next scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the Borough will accept the additional \$2,386 of Community Development Block Grant funds and designate these funds for the purchase of Rescue Squad Generator.

The Borough Clerk read the following resolution:

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

Resolution #185-13

Accepting the resignation of Luke Kelly from the Police Department effective June 25, 2013 and paying out his accumulated 174.25 compensation hours at \$27.26 per hour for the total amount of \$4,750.06.

The Borough Clerk read the following resolution:

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

Resolution #186-13

The Tax Collector is hereby authorized to issue a check in the amount of \$20,726.43 to redeem tax sale certificate #2011-1763 and tax sale premium in the amount of \$4,200, Block 225, Lot 27, 770 Bound Brook Road, check is to be made payable to:

U S Bank cust for Phoenix
2 Liberty Place - TLSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #187-13

Hiring Robert Hudson, 128 Benart Place, Middlesex, NJ as a substitute driver for the Office of Senior Services at \$12.00/hr. effective immediately. (CDL qualified)

The Borough Clerk read the following resolution:

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

Resolution #189-13

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

WHEREAS, On June 20, 2013 Chief Young recommended Police Officer Joleen Duca 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 Joleen Duca be and is hereby advanced in grade to Patrolwoman Class "A" effective July 7, 2013 at an annual salary \$98,351.

The Borough Clerk read the following resolution:

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

Resolution #190-13

The application for a Towing License for the year 2013 for Mike's Towing & Recovery, Bridgewater, New Jersey has been approved by the Police Department and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

The Borough Clerk read the following resolution:

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

Resolution #188-13

WHEREAS, Prestige Environmental Inc., on behalf of Pumping Services Inc. has provided a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Pumping Services Inc. Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, Prestige Environmental Inc., on behalf of Pumping Services Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via the Middlesex Borough wastewater collection system from the Pumping Services Inc. location; and

WHEREAS, The Borough may revoke or suspend its approval if the discharge negatively impacts the borough's collection system; and

WHEREAS, Pumping Services shall apply for permits from the borough for the connection of the treatment system to the internal plumbing system of Pumping Services. No new connection to the borough's sewer system is included in this approval. If a new connection to the borough's sewer system is required then a separate application for the connection shall be submitted; and

WHEREAS, Upon notification the borough shall be granted access to the treatment facility; and

WHEREAS, The Borough shall be copied on all correspondence between Pumping Services and the MCUA. In particular the quarterly monitoring reports must be submitted. In addition Pumping Services shall provide water consumption data for the entire facility on a quarterly basis to the borough.

WHEREAS, This Temporary Discharge Approval Application for Groundwater Remediation Control is valid for a one-year period, and if Prestige Environmental Inc. wishes to renew this

Application on behalf of Pumping Services Inc. a renewal application shall be submitted to the MCUA prior to the expiration date of the enclosed Temporary Discharge Approval Application.

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 at the Pumping Services Inc. Site in Middlesex as long as the conditions above are met.
2. This resolution shall take effect immediately.

Borough Clerk stated that this resolution includes additional conditions requested by our Sewer Operator, Jerry Sheenan. Councilman Kaplan also requested that a meter be placed at the facility as part of the conditions.

Councilman Schueler made a motion to approve the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application with conditions indicated 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 #191-13

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 53371	Test America Laboratories, Inc	\$290.00
PO 53582	Air Power International, Inc	\$103.80

Council President 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 questioned the cost of fire trucks today and if we thought of or looked at splitting cost with Dunellen or a shared service with the trucks. He also mentioned doing purchasing aggregation where you pool with other towns and getting a better price for more purchases.

Andy Castaldo, Assistant Fire Chief stated that the two trucks were built to meet the needs of the Borough. In Middlesex Borough each firehouse is on its own island especially during storms when there is flooding. He stated that Dunellen will not be replacing their ladder truck and will be relying on us for mutual aid.

Dave Oliver, 216 Ashland Road stated that the new Superintendent of Schools as of July 1st is Dr. Linda A. Madison. The Board and the new Superintendent look forward to working with the Mayor and Council.

Joann Estrella, 300 Market Street discussed the safety condition on Market Street. She requested that the Council lock the gates going to the pool at the end of Market. There are 30-40 cars going down the dead end street of Market and making a U-turn. There is no parking for the residents on the block due to people parking to get into the pool. The fence was closed for many years and last year it was opened.

Jayne Caruso, 351 Market Street stated that the safety issue is for the people who live on that block. She stated many years ago the fence/gate was put up because her daughter got hit by a car. Just today there was a hit and run.

The Governing Body agreed to have the Borough Clerk call over to the swim pool tomorrow and have them close the fence and lock the gate.

John Madden, 103 Rock Lane questioned what happened to the 2 old fire trucks and if we were going to sell them or refurbish.

John Hoffman, 455 Lincoln Blvd. discussed the following: (1) The Borough already has a used car dealer in town J&G on Lincoln Blvd; (2) He agreed with the purchase of the fire trucks as they are needed to protect the citizens; (3) He sympathized with the residents on Market Street noting that last Father's Day there were 10 vehicles parked in front of his house. Mr. Hoffman questioned if there is a car blocking his driveway can he call a tow truck to remove it from his driveway; and (4) the loss of two police officers in the last couple of months and whether or not we screen these people.

Jack Mikolajczyk, 701 Beechwood Avenue congratulated the Governing Body and the Fire Department on the new trucks. He questioned what other emergency service vehicles will be needed in future and if there is a plan to replace any of these vehicles.

Joseph Mazze, 355 Market Street questioned whether they are putting a new pool by the tennis courts.

Mayor Dobies responded to all inquiries of the public. Seeing that there was no further public comment, 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 #192-13

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. Judge's Appointment
2. DPW Certified Public Works Manager

Councilman Kaplan made a motion for approval, seconded by Councilwoman Jenkins 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 Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
July 23, 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 stated that Resolution #198-13, the hiring of a temporary DPW employee will be added to the Agenda this evening.

Mayor Dobies recognized Council President Ron DiMura, the Chairman of the 100th Anniversary Celebration for providing his leadership to our 100th Anniversary Committee and recognized his involvement in the planning and coordinating of this celebration. On behalf of the residents of Middlesex Borough, Mayor Dobies declared Council President DiMura an outstanding citizen in Middlesex Borough. Mayor Dobies also acknowledged all the volunteers and staff that made this a special event.

APPOINTMENTS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1841-13 by title for introduction.

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.

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

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1831-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1831-13

AN ORDINANCE TO AMEND CHAPTER 18, MUNICIPAL COURT, SECTION 18-4 MUNICIPAL MAGISTRATE IN THE CODE OF THE BOROUGH OF MIDDLESEX

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

Section 18-4 Municipal Magistrate is amended to read as follows:

There shall be a presiding Municipal Magistrate of said Municipal Court, who shall be in charge of the overall administration of the Municipal Court and who shall hear cases and do other normal duties which are inherent as part of the duties of the Magistrate. There may, in the discretion of the Council, be a second Municipal Magistrate of said Municipal Court who shall assist with the case load and who shall perform such other duties that may be assigned to him or her by the presiding Municipal Magistrate. The presiding Municipal Magistrate and second Municipal Magistrate, if any, shall be nominated for appointment by the Mayor, subject to approval of Council. The presiding Municipal Magistrate and second Municipal Magistrate, if any, shall serve a term of three years from the date of their appointment and shall until their successor, if any, is appointed and qualified.

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 18, Municipal Court, Section 18-4 to read as stated above.
- 2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1831-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1831-13.

Council President DiMura stated that there is a savings of approximately \$24,000 by having once a week court from September 1, 2013 until the end of the year. Also, we are looking at saving approximately \$110,000 with once a week court in 2014.

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

The Borough Clerk read Ordinance No. 1832-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1832-13

A LOAN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2013 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH THE PROCEEDS OF A LOAN IN THE NOT TO EXCEED AMOUNT OF \$3,180,000, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the various capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, to various governmental entities within the County of Middlesex, State of New Jersey (the "County"), including the County and the Authority (the "2013 Program"); and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2013 Program and to finance

various capital improvements and acquire and install certain capital equipment through the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Loan and Security Agreement (the "Loan Agreement"), to be entered into by and between the Authority and the Municipality, which Loan Agreement has been approved by the County and which is attached hereto as Exhibit A, providing for the financing of various capital improvements and the acquisition and installation of certain capital equipment through the Authority, which improvements and items of equipment are described in Exhibit B attached hereto and incorporated by this reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Loan Agreement.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY 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. (a) The various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached to this loan ordinance and by this reference made a part hereof are hereby authorized as general capital improvements or purposes to be undertaken by the Municipality. For financing such improvements, purposes or loan, there is hereby appropriated the not to exceed sum of \$3,180,000.

(b) For the financing of the general capital improvements, purposes or loan and to provide monies to fund the not to exceed \$3,180,000 appropriation, a loan from the Authority to the Municipality is hereby authorized in a not to exceed amount of \$3,180,000 pursuant to the County Improvement Authorities Law and the Local Bond Law, N.J.S.A. 40A:2-1 et seq, as amended and supplemented (the "Local Bond Law").

(c) The general capital improvements hereby authorized and the purposes for which the above-described loan is authorized are the various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto.

(d) The estimated maximum amount of the loan for the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto is \$3,180,000.

(e) The estimated cost of said general capital improvements or purposes is \$3,081,700, with a not to exceed amount of \$3,180,000, which not to exceed amount includes all costs of issuance and items of expense listed in and permitted under section 20 of the Local Bond Law.

Section 2. Pursuant to the County Improvement Authorities Law and N.J.S.A. 40:23-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Loan Agreement, which Loan Agreement provides for various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality to be financed with the proceeds of County-Guaranteed Capital Equipment and Improvement Revenue Bonds, Series 2013 (the "Bonds") to be issued by the Authority under a resolution to be adopted by the Authority entitled, "Resolution of the Middlesex County

Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment and Improvement Revenue Bonds" (the "General Bond Resolution"). The Loan Agreement, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 3. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Loan Agreement authorized by this ordinance, including without limitation, (i) all Basic Loan Payments and Loan Payments obligations of the Municipality under the Loan Agreement, including Authority Administrative Expenses and Additional Loan Payments, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Loan Agreement pursuant to the County Guarantee, including County Guarantee Costs, and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Loan Agreement and the County Guarantee ((i), (ii) and (iii) collectively, the "Loan Payment Obligation"). The Loan Payment Obligation under the Loan Agreement shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Municipality for the payment of the Loan Payment Obligation thereunder without limitation as to rate or amount.

An Authorized Municipal Representative (as defined in the Loan Agreement) is hereby authorized and directed to execute the Loan Agreement on behalf of the Municipality in the form as attached hereto in Exhibit A, along with any of the aforesaid necessary changes, and the Clerk of the Municipality is hereby authorized to attest to such signature and affix the seal of the Municipality thereto and the Loan Agreement is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Loan Agreement.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Loan Payment Obligation for which the Municipality shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority, shall not exceed the sum necessary to (a) undertake the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and described in Exhibit B, (b) pay interest on the Authority's Bonds allocated to the Municipality's various capital improvements and items of equipment, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Loan Payments, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Loan Agreement, as and if applicable.

(b) The Bonds shall mature no later than ten (10) years from the date of issue.

(c) The Loan Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Loan Agreement have been satisfied, notwithstanding the occurrence of any other event.

(d) The various capital improvements and items of equipment described in Exhibit B attached hereto are hereby approved to be undertaken and financed through the Authority in accordance with the terms of the Loan Agreement, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

(e) The average period of usefulness of the various capital improvements and items of equipment described in Exhibit B attached hereto within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the loan authorized by this loan ordinance, shall not exceed ten (10) years.

(f) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Municipality 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 Municipality as defined in the Local Bond Law is increased by the authorization of the loan provided for in this loan ordinance by \$3,180,000 and the said loan authorized by this loan ordinance will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$600,000 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 various capital improvements and items of equipment described in Exhibit B attached hereto.

Section 5. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Loan Agreement. The Mayor, Clerk, Chief Financial Officer or any other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 6. The Mayor, Clerk, Chief Financial Officer of the Municipality or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Loan Agreement, the undertaking of the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and all related transactions contemplated by this ordinance.

Section 7. Upon the payment of all amounts referenced in Section 4(c) herein, the full faith and credit pledge of the Municipality as to its Loan Payment Obligation authorized herein shall cease to exist.

Section 8. The capital budget of the Municipality is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The

resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the Clerk of the Municipality and is available for public inspection.

Section 9. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 10. The Municipality reasonably expects to reimburse any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance and paid prior to the entering into of the loan authorized by this loan ordinance with the proceeds of such loan. This Section 10 is intended to be and hereby is a declaration of the Municipality's official intent to reimburse any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance to be incurred and paid prior to entering into of the loan authorized herein all in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and any regulations promulgated thereunder.

Section 11. The Clerk of the Municipality is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

Section 12. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

Exhibit B
Middlesex County Improvement Authority
2013 Capital Equipment and Improvement Financing Program
Project List - PRELIMINARY
Middlesex Borough

Project Quant. Est. Cost Useful Life
FIVE YEAR PROJECTS

Loan

- Roads Department - Generator for Sewer Camera 1 \$2,683.49 5 Years
- Parks Department - Toro Mower 72" deck 1 \$26,834.86 5 Years
- Roads Department - Utility Truck 1 \$69,770.64 5 Years
- Roads Department - Back-hoe loader 1 \$107,339.45 5 Years
- Parks Department - Sand pro field maint.machine 1 \$26,834.86 5 Years
- Roads Department - Salt spreaders 1 \$8,050.46 5 Years
- Roads Department - Generator 1 \$26,834.86 5 Years
- Parks Department - Garage Door replacement 1 \$2,683.49 5 Years
- Sewers Department - Standby generator pump station 1 \$21,467.89 5 Years
- Police Department - 4 wheel drive vehicle 1 \$42,222.22 5 Years
- Police Department - Large capacity copier 1 \$10,555.56 5 Years
- Police Department - new servers 1 \$42,222.22 5 Years
- Library Improvements 1 \$107,500.00 5 Years
- Municipal Court Security System 1 \$4,200.00 5 Years

Senior Services - 24 Passenger Bus 1 \$67,000.00 5 Years
 Fire Department Department - Turnout Gear 1 \$40,000.00 5 Years
 Fire Department Department - Ford F250 pick up truck 1 \$30,000.00 5 Years
 OEM - Comand center improvements 1 \$50,000.00 5 Years
 Administration Department - Security Cameras MVP 1 \$35,000.00 5 Years
 Administration Department - Laptops for Council 1 \$5,500.00 5 Years
 Administration Department - Wireless connection Borough Hall 1 \$5,000.00 5 Years
 Administration Department - Stream Cleaning 1 \$150,000.00 5 Years
 Administration Department - Road Improvements 1 \$175,000.00 5 Years
 Subtotal \$1,056,700.00

Lease

none 0 \$0.00 0 Years

Subtotal \$0.00

Five Year Projects Subtotal: \$1,056,700.00

TEN YEAR PROJECTS

Fire Truck (Ladder Truck) 1 \$1,518,750.00 10 Years

Fire Truck (Pumper Truck) 1 \$506,250.00 10 Years

Ten Year Projects Subtotal: \$2,025,000.00

FIFTEEN YEAR PROJECTS

None 0 \$0.00 15 Years

Fifteen Year Projects Subtotal: \$0.00

TWENTY YEAR PROJECTS

None 0 \$0.00 15 Years

Twenty Year Projects Subtotal: \$0.00

Lease Total: \$0.00

Loan Total: \$3,081,700.00

Middlesex Borough Total Borrowing: \$3,081,700.00

We have reviewed the schedule above and acknowledge as accurate the cost and the useful lives of the equipment and/or infrastructures. We understand that the cost of the equipment/infrastructure will be used as the basis for calculating the debt service on the bonds that will be issued by the Middlesex County Improvement Authority (the 'Authority') to finance the equipment and the lease/loan payments that will be payable by Middlesex Borough to the Authority.

Mayor Dobies opened the Public Hearing on Ordinance No. 1832-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1832-13.

Council President DiMura stated that Ordinance 1832-13 included the purchase of 2 new fire trucks (ladder and pump truck) which have been discounted because we are purchasing two. Also these trucks are needed because we will now have another 4 story building on Lincoln Boulevard. Council President DiMura indicated that we are also continuing to invest in our stream cleaning, improve roads in the borough, support emergency services and make improvements to our parks.

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

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.

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

The Borough Clerk read Ordinance No. 1839-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1839-13

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY
OF MIDDLESEX, NEW JERSEY, CHAPTER 407, VEHICLES
AND TRAFFIC, SECTION 407-22.1 PARKING OF COMMERCIAL TRAILERS**

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:

407-22.1 Parking of Commercial Trailers

Notwithstanding any other restrictions under Chapter 407 of the Code of the Borough of Middlesex, no trailer licensed, designed or used for commercial purposes shall be permitted to park or remain on any street or highway or portion thereof within the Borough between the hours of 9:00 PM and 8:00 AM. Between the hours of 8:01 AM and 8:59 PM, trailers licensed, designed and being actively used for commercial purposes may be parked for no more than two hours within the Borough so long as such trailer is situated within 100 feet of the location where such commercial activity is then actively occurring.

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. 1839-13.

Jack Mikaholczyk, 701 Beechwood Avenue discussed the two hour parking between the hours of 8:01 AM and 8:59 PM, that trailers licensed, designed and being actively used for commercial purposes may be parked in the borough and was concerned if the two hour parking was enough time.

Seeing that there was no further public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1839-13.

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

The Borough Clerk read Ordinance No. 1840-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1840-13

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 351, SOLID WASTE, SECTION 351-29.1 LOCATION

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:

351-29.1 Location

All outdoor dumpsters located at or upon any property within the Borough used for any non-residential purposes or for multi-family residential purposes shall be suitably screened from view and set back from property lines as otherwise required under the Code of the Borough of Middlesex. Notwithstanding any other provision of this Code, any outdoor dumpster within the Borough that is not suitably screened from view and set back from property lines as required hereunder shall make application to the Zoning Officer of the Borough for approval of suitable screening only without requirement of obtaining Site Plan approval under § 420-12 hereunder. If approval is not granted by the Zoning Officer of the Borough for such suitable screening only, then such property owner shall make an application to the Planning or Zoning Board of the Borough as otherwise required by the Municipal Land Use Law of the State of New Jersey and this Code.

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. 1840-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1840-13.

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

ADOPTION OF MINUTES

Councilman DiMura moved the approval of the July 9, 2013 Regular and Executive Session Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the June, 2013 Finance Report seconded by Councilman Schueler and carried by a unanimous vote.
 - (b) 100th Anniversary Celebration - Council President DiMura thanked Mayor Dobies for recognizing his efforts for the 100th Anniversary Celebration. Council President DiMura indicated that this celebration would not have been a success without the help of a lot of people. He thanked the members of the 100th Anniversary Celebration Committee, the OEM, Rescue Squad, Fire Department, Police Department, Borough Hall employees, DPW, and the volunteers from the Carteret and Woodbridge OEM. He also thanked all the residents for coming out and supporting the event.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan commended the Fire Department for the training that they participated in on July 13th in 100 degree weather and the effort that they give to Middlesex.
 - (b) Mayor Dobies thanked the Fire Department and Police Department for providing security at Mountainview Park from 8:30 PM on Saturday Night until Sunday night, which enabled the borough to hold the fireworks Sunday night.
 - (c) Councilman Schueler recognized John Erickson for his help during the parade with an elderly resident that appeared to have fallen down, as he made sure that everything was okay with the resident until the first responders came.
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 – Nothing to Report

REPORTS

Mayor's Report

1. Accepting the resignation of Brian Platten from the Planning Board. Motion made by Council President DiMura seconded by Councilman Schueler and carried by a unanimous vote of Council.

2. Accepting the resignation of George Manicone from the Zoning Board. Motion made by Council President DiMura seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

3. Mayor Dobies reported that he had a request from a resident to consider once a week recycling. The governing body discussed this request and decided against it based upon the additional yearly charge of \$108,000 that it would cost and also that the Recycling Center is available to the residents if they need it.

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 desirous of removing Resolution #195-13 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 #193-13 – Resolution #194-13
Resolution #198-13

Council President DiMura 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 #193-13

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 #
62/19	Conte, Marilyn 22 Dogwood Drive	\$ 613.27	680038049
70.04/5	Spencer, Elizabeth	\$ 505.15	680031986

172 Misty Lane

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 #194-13

The Tax Collector is hereby authorized to issue a check in the amount of \$15,606.80 to redeem tax sale certificate #2012-1786 and tax sale premium in the amount of \$11,500, Block 44, Lot 1, 401 First Street, check is to be made payable to:

U S Bank cust for Phoenix
2 Liberty Place - TLSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #198-13

The Governing Body hereby hires John Schieferstein, 334 St. John’s Place, Bound Brook, New Jersey as a seasonal DPW temporary employee effective July 29, 2013 – August 30, 2013 for 28 hours per week at \$12.00 per hour.

The Borough Clerk read the following resolution:

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

Resolution #195-13

WHEREAS, bids were received July 12, 2013 for the Bound Brook Pump Station Improvements;

WHEREAS, there were six bids received, the three lowest bidders are listed below:

Allied Construction Group, Inc. 499 Washington Road Parlin, NJ 08859-1022	Base Bid	\$139,500.00
	Alternate A	\$ 13,400.00
	Alternate B	\$ 10,700.00
	Alternate C	\$ 8,600.00
	Alternate D	\$ 12,200.00
	Total	\$184,400.00
CFM Construction, Inc. 5 Bay Street	Base Bid	\$167,100.00
	Alternate A	\$ 15,200.00

Stirling, NJ 07980	Alternate B	\$ 7,000.00
	Alternate C	\$ 19,500.00
	Alternate D	\$ 16,400.00
	Total	\$225,200.00

Stone Hill Contracting Co., Inc. 252 W Swamp Road, Suite 19 P O Box 1370 Doylestown, PA 18901	Base Bid	\$195,935.00
	Alternate A	\$ 14,975.00
	Alternate B	\$ 4,012.00
	Alternate C	\$ 10,141.00
	Alternate D	\$ 6,419.00
	Total	\$231,482.00

WHEREAS, the Borough Engineer in concurrence with the Borough Attorney recommends to award the bid to Allied Construction Group, Inc. in the amount of \$184,400.00; and

WHEREAS, this award is contingent upon approval from the New Jersey Department of Environment Protection.

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

1. Based upon the recommendation of the Borough Engineer and Borough Attorney, the governing body hereby awards the bid for the Bound Brook Pump Station Improvements to Allied Construction Group, Inc. in the amount of \$184,400.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$184,400.00 are available in Account No. 04-1611-00-1611-60.

Council President 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.

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

Resolution #196-13

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 53764	Jesco, Inc	\$553.70
PO 53821	Ronson Electric, Inc	\$360.00
PO 53745	VIS Welding & Repair, LLC	\$400.00
PO 53824	Costa, Jack	\$40.00

Councilman Schueler made a motion for approval, seconded by Councilwoman Tackach 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. Seeing that there was no 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 #197-13

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. Judge's Appointment
2. DPW Certified Public Works Manager
3. Recreation Director – Personnel Matter

Councilman Kaplan made a motion for approval, seconded by Councilwoman Jenkins 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 Schueler and carried by a unanimous vote of Council.

Council President DiMura stated that our next Regular Meeting scheduled for Tuesday, August 13, 2013 is on the Special Election. Council President DiMura with consensus of the Governing Body moved the Regular Meeting date to Wednesday, August 14, 2013. Also on this day Assemblywoman Linda Stender will be at the meeting along with the Middlesex High Baseball Team who are 2013 State Champions.

Councilman Kaplan requested that we have the Middlesex High School Robotics Team give a demonstration to the Governing Body on August 27, 2013. Councilman Kaplan stated that the Robotics Team is 45th in the world.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**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	

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.

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 100th 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 3rd & 4th 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.

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 3rd quarter 2013 from (\$468.05) to \$721.60 and 4th 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 1st & 2nd quarters had previously been adjusted to reflect the lower assessment. The computer calculated the 3rd & 4th quarters based on the higher amount that had been billed previously resulting in a credit.

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 1st & 2nd 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.

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 3rd & 4th quarter 2013 property taxes in the amount of \$4,543.15 and cancel 1st & 2nd 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.

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 3rd & 4th quarter 2013 taxes in the amount of \$6,438.30 and 1st & 2nd 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.

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.

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.

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.

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.

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.

DISCUSSION ON AGENDA WORKSHOP ITEMS – NONE

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.

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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
August 27, 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 - Absent

Attorney: Aravind Aithal

Mayor Dobies added two items to the tonight's agenda (1) An appointment to the Zoning Board, and (2) Executive Session – Sadat Associates Potential Lawsuit

APPOINTMENTS

Mayor Dobies made a motion to appoint Shirley Fisher to the Library Board seconded by Council President DiMura and carried by a unanimous vote of members present.

Mayor Dobies appointed Al Lowande to the Planning Board.

Mayor Dobies recommended Anthony Thompson to the Board of Adjustment. Council President DiMura made a motion, seconded by Councilman Dotey and carried by a unanimous vote of members present.

NEW BUSINESS

The Borough Clerk read Ordinance No. 1843-13 by title for introduction.

**BOROUGH OF MIDDLESEX
ORDINANCE NUMBER 1843-13**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF
MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY,
CHAPTER 320 LANDLORD REGISTRATION, SECTION 320-3
FEES AND SECTION 320-4 VIOLATIONS AND PENALTIES**

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:

320-3 Fees

- (1) An annual registration fee of \$50.00 dollars per unit, except that there shall be no subsequent renewal fee per unit for all 1-4 unit rental properties in the same structure.
 - a. Regardless of whether a fee is payable hereunder, every rental property within the Borough shall be registered on an annual basis as provided for herein.
- (2) All 1-4 family rental properties will pay a \$50.00 per unit fee whenever there is a new tenant 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. Upon registration of a new tenant, no additional annual fee will be assessed. Nothing herein shall relieve rental property owners from the requirement that they register each rental unit upon change of tenant.

320-4 Violations & Penalties

C. Any person who violates any of the provisions of this ordinance, in addition to any other penalty that may be assessed, shall upon conviction thereof, pay a fine of not less than \$500.00, up to \$2,000.00 for the first offense; not less than \$750.00, up to \$2,000.00 for the second offense; and, not less than \$1,000.00, up to \$2,000.00 for the third or subsequent offense.

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.

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

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1842-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 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.

Mayor Dobies opened the Public Hearing on Ordinance No. 1842-13. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1842-13.

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

ADOPTION OF MINUTES

Councilman DiMura moved the approval of the August 14, 2013 Special Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the July, 2013 Finance Report seconded by Councilman Schueler and carried by a unanimous vote of members present.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan moved the approval of the Joseph Eckert to the Middlesex Fire Department seconded by Councilwoman Jenkins and carried by a unanimous vote of members present.
4. Public Works/Parks/Sanitation/Recycling – Councilwoman Jenkins recommended that we send our scrap bikes to Homes for Hope which is part of a Bridgewater High School Project. They would convert 40ft. containers into medical units and send it to Uganda. Councilwoman Jenkins also would like to donate any adult bikes that are in decent condition to Bridgewater. They would be used by doctors who go back and forth between medical units. Councilwoman Jenkins also mentioned that if there are any children's bikes in decent condition that we raffle them off at the Fall Festival. Attorney Aithal will review and prepare a resolution for next meeting.
5. Police/Legal/Code Enforcement/Municipal Court – Councilman Schueler moved the approval of the July, 2013 Police Department Report seconded by Councilwoman Jenkins and carried by a unanimous vote of members present.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Nothing to Report

REPORTS

Mayor's Report - Nothing to report.

The Borough Clerk read the following resolution:

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

Consent Agenda 2013(T)

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 does not wish to remove any resolutions 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 #212-13 – Resolution #225-13

Councilman Kaplan made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, and Schueler. 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 #212-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
LABOR & MATERIALS FOR OEM COMMAND POST VEHICLE**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase labor and materials for OEM command post vehicle 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, Absolute Fire Protection is under State Contract No. 81347 & 81340 for the year 2013; and

WHEREAS, the cost for the purchase of labor and materials is not to exceed \$29,524.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of labor and materials is ordered under State Contract No. 81347 & 81340 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$29,524.00 is available in Account No. 04-1832-00-1832-73.

The Borough Clerk read the following resolution:

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

Resolution #213-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
A DELL SERVER EQUIPMENT FOR THE POLICE DEPARTMENT**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase server equipment for the Police Department 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 is under State Contract No. 70256 for the year 2013; and

WHEREAS, the cost for the purchase of server equipment is not to exceed \$33,159.55; and

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

The CFO hereby certifies that the funds in the amount not to exceed \$33,159.55 is available in Account No. 04-1832-00-1832-90.

The Borough Clerk read the following resolution:

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

Resolution #214-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ONE 204 FORD F250
4WD PICKUP TRUCK**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase one 2014 Ford F250 4wd pickup truck, for the Fire Department, 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, Ditschman Flemington Ford is under State Contract No. 83577 for the year 2013; and

WHEREAS, the cost for the purchase of one 2014 Ford F250 4wd pickup truck is not to exceed \$27,183.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of one 2014 Ford F250 4wd pickup truck is ordered under State Contract No. 83577 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$27,183.00 are available in Account No. 04-1832-00-1832-75.

The Borough Clerk read the following resolution:

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

Resolution #215-13

The Tax Collector is hereby authorized to amend 3rd & 4th quarter 2013 taxes from \$9,601.51 to \$5,913.21 on Block 348, Lot 1.01, 150 Lincoln Blvd. There five properties combined into one and the computer did not take into account the taxes that had been made on the other properties.

The Borough Clerk read the following resolution:

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

Resolution #216-13

The Tax Collector is hereby authorized to cancel taxes for 1st – 4th quarter 2013 taxes in the amount of \$1872.96 and 1st & 2nd quarter 2014 taxes in the amount of \$936.48 on Block 160, Lot 43, Fairview Avenue.

The Tax Collector is hereby authorized to cancel 3rd & 4th quarter 2013 taxes in the amount of \$3,526.60 on Block 160, Lot 45, 213 Fairview Avenue.

These block and lots do not exist. They were combined with Block 160, Lot 45.01.

The Borough Clerk read the following resolution:

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

Resolution #217-13

The Tax Collector is hereby authorized to issue a check in the amount of \$44,422.35 to redeem tax sale certificate #2012-1807 and tax sale premium in the amount of \$5,000, Block 291, Lot 43, 117-119 William Street. The check is to be made payable to:

US Bank Cust/Empire V

2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #218-13

The Tax Collector is hereby authorized to issue a check in the amount of \$10,273.22 to redeem tax sale certificate #2012-1788 and tax sale premium in the amount of \$10,000, Block 159, Lot 4, 204 Greene Avenue, check is to be made payable to:

U S Bank cust for Phoenix
2 Liberty Place - TLSSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #219-13

The governing body hereby accepts the retirement of Patrolman Thomas Ungar effective September 1, 2013. Patrolman Ungar is entitled to the following separation benefits to be paid in the payroll of September 6, 2013:

1 week pay for the period of 8/26-8/30/2013	\$ 1,891.35
20.5 unused vacation days	\$ 7,754.54
179.25 hours accumulated comp hours	\$ 8,474.94
Total Due	\$18,120.83

The Borough Clerk read the following resolution:

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

Resolution #220-13

The Tax Collector is hereby authorized to amend 4th quarter 2013 taxes based on a Middlesex County Board of Taxation judgment on the following properties:

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
38/28.01	Plank, Joseph & Kathy	\$ 3,099.93 old

	102 New St	\$ 1,070.89 new
236/1.01	Vargas, Hector & Debra 134 Third St	\$ 2,295.40 old \$ 992.14 new

The Borough Clerk read the following resolution:

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

Resolution #221-13

The governing body hereby accepts the resignation of Diana Hood as a School Guard effective August 6, 2013.

The Borough Clerk read the following resolution:

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

Resolution #222-13

The governing body hereby hires the following for stream cleaning effective August 28, 2013 – September 27, 2013 for 28 hours per week at \$12.00 per hour:

Dylan James Bryant 385 Talmage Avenue Bound Brook, NJ	Justin Marconi 521 Decatur Avenue Middlesex, NJ
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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 #223-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ONE SAVIN MP 4002 HIGH CAPACITY COPIER

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (1) One Savin MP 4002 high capacity copier 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, KDI, Inc. is under State Contract No. A51464 for the year 2013; and

WHEREAS, the cost for the purchase of the copier is not to exceed \$9,252.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of the copier is ordered under State Contract No. A51464 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$9,252.00 are available in Account No. 04-1832-00-1832-71.

The Borough Clerk read the following resolution:

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

Resolution #224-13

WHEREAS, the residents of Clinton Avenue have requested to have a block party on the 500 block of Clinton Avenue on September 1, 2013 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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 Governing Body hereby grants approval to the residents of Clinton Avenue to conduct a block party on the 500 block of Clinton Avenue on September 1, 2013 between the hours of 11 a.m. and 11 p.m.
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 #225-13

WHEREAS, bids were received August 22, 2013 for the 2013 Mill & Overlay Project;

WHEREAS, there were five bids received, the three lowest bidders are listed below:

TopLine Construction Corp 22 Fifth Street Somerville, NJ 08876	Base Bid Alternate A Alternate B Total	\$170,793.90 \$ 45,587.59 \$ 62,013.69 \$278,395.18
Jads Construction Co PO Box 513 South River, NJ 08882	Base Bid Alternate A Alternate B Total	\$180,798.75 \$ 37,865.50 \$ 60,963.75 \$279,628.00
Schifano Construction Corp One Smalley Avenue PO Box 288 Middlesex, NJ 08846	Base Bid Alternate A Alternate B Total	\$182,049.59 \$ 38,685.35 \$ 61,302.47 \$282,037.41

WHEREAS, the Borough Engineer in concurrence with the Borough Attorney recommends to award the bid to TopLine Construction Corp. in the amount of \$278,395.18; and

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

1. Based upon the recommendation of the Borough Engineer and Borough Attorney, the governing body hereby awards the bid for the 2013 Mill & Overlay Project to TopLine Construction Corp. in the amount of \$278,395.18.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$100,000 are available in account 04-1832-00-1832-85; \$45,000 are available in account 04-1687-00-1687-84; \$20,000 are available in account 04-1715-00-1715-84; \$90,000 are available in account 04-1736-00-1736-72 and \$23,395.18 are available in account 04-1772-00-1772-84.

The Borough Clerk read the following resolution:

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

Resolution #226-13

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 53958	R & J Control, Inc	\$ 1,099.00
PO 53918	Wolffington Body Company, Inc	\$ 2,178.19
PO 53938	Wolffington Body Company, Inc	\$ 194.91
PO 53954	Minerva Bunker Gear Cleaners	\$ 52.25
PO 53992	Pumping Services, Inc	\$ 296.10
PO 54061	D'Agostino's	\$ 747.50

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

DISCUSSION ON AGENDA WORKSHOP ITEMS - NONE

PUBLIC COMMENTS

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

Dave Oliver, 216 Ashland Road had several requests to tonight (1) The status of the boulder pile at Victor Crowell Park, (2) The field behind the north side of Ashland Road hasn't been cut all summer long and the drainage ditch that runs under the brook needs some attention, (3) The western end of Middlesex Shopping Center there is a telephone pole down and should be removed along with loose bricks piled up, (4) There are four trees along back parking lot of the

Middlesex Shopping Center two are dead, and (5) West of Harris Avenue on Rt. 28 side approximately 150 feet in, the trees are overgrown and you have to skirt onto the street to walk.

Mr. Oliver asked if the Borough can advise the property owners on some of these items as they don't all relate to us.

Mayor Dobies stated that he would have the DPW look into these items and seeing that there was no other 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 #227-13

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. Update on Administrator Interviews.
2. Sadat Associates Potential Lawsuit

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

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

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
September 10, 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 following items to tonight's agenda (1) Landscapers working on vacant properties and (2) Executive Session – Borough Administrator Advertisement & Ordinance and Conflict with the Board of Health President.

Council President DiMura stated that he will be holding a meeting within the next two weeks with the business owners in reference to storage trailers on property.

APPOINTMENTS

Council President DiMura moved to accept the resignation of Andrew Galida from the Zoning Board seconded by Councilman Dotey and carried by a unanimous vote of Council.

Council President Dimura moved to appoint John Anello to the Zoning Board to replace Andrew Galida seconded by Councilman Dotey and carried by a unanimous vote of Council.

Councilman President DiMura moved Anthony Vietri from Alternate #2 to a member of the Zoning Board seconded by Councilwoman Jenkins and carried by a majority vote of Council. (Abstain Tackach)

NEW BUSINESS - NONE

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1843-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX
ORDINANCE NUMBER 1843-13**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF
MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY,
CHAPTER 320 LANDLORD REGISTRATION, SECTION 320-3
FEES AND SECTION 320-4 VIOLATIONS AND PENALTIES**

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:

320-3 Fees

- (1) An annual registration fee of \$50.00 dollars per unit, except that there shall be no subsequent renewal fee per unit for all 1-4 unit rental properties in the same structure.
 - a. Regardless of whether a fee is payable hereunder, every rental property within the Borough shall be registered on an annual basis as provided for herein.
- (2) All 1-4 family rental properties will pay a \$50.00 per unit fee whenever there is a new tenant 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. Upon registration of a new tenant, no additional annual fee will be assessed. Nothing herein shall relieve rental property owners from the requirement that they register each rental unit upon change of tenant.

320-4 Violations & Penalties

C. Any person who violates any of the provisions of this ordinance, in addition to any other penalty that may be assessed, shall upon conviction thereof, pay a fine of not less than \$500.00, up to \$2,000.00 for the first offense; not less than \$750.00, up to \$2,000.00 for the second offense; and, not less than \$1,000.00, up to \$2,000.00 for the third or subsequent offense.

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. 1843-13. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1843-13.

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

ADOPTION OF MINUTES

Councilwoman Jenkins moved the approval of the August 27, 2013 Public Meeting Minutes as amended seconded by Council President DiMura and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the August, 2013 Finance Report seconded by Councilman Kaplan and carried by a unanimous vote of members present.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan stated that the 9/11 Memorial will be held tomorrow at Victor Crowell Park at 7 PM. There will not be a rain date.
 - (b) Councilman Kaplan also mentioned that the article in the Star Ledger today about the Middlesex Borough volunteer Firefighter has been corrected, as this individual is not a current firefighter in the borough.
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 – Nothing to Report

REPORTS

Mayor's Report - Nothing to report.

The Borough Clerk read the following resolution:

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

Consent Agenda 2013(T)

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 Nos. 231-13, 232-13 and 233-13 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 #228-13 – Resolution #230-13
Resolution #234-13 – Resolution #235-13

Councilman Kaplan 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 #228-13

The Tax Collector is hereby authorized to transfer monies from the Current Fund into Unity Bank collected at the July 16, 2013 tax sale for premiums on specified properties in the amount of \$211,300.00.

44/19	US Bank Cust for BV001 Trust	\$15,800
124/5.03	FWDSL & Associates LP	\$ 2,100
147/3	FWDSL & Associates LP	\$20,000
212/3	Actlien Holding Inc	\$20,700
225/1	FWDSL & Associates LP	\$ 1,500
241/10	FWDSL & Associates LP	\$12,000
264/5	FWDSL & Associates LP	\$16,000
291/14	FWDSL & Associates LP	\$17,000
306/25.01	FWDSL & Associates LP	\$21,200
314/33	Actlien Holding Inc	\$20,700
314/35	FWDSL & Associates LP	\$ 1,300
349/8	FWDSL & Associates LP	\$36,000
349/10.01	FWDSL & Associates LP	\$11,000
371.01/5.01	FWDSL & Associates LP	\$16,000

The check should be made payable to: Borough of Middlesex

The Borough Clerk read the following resolution:

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

Resolution #229-13

The Tax Collector is hereby authorized to issue a check in the amount of \$14,904.25 to redeem tax sale certificate #2013-1820, Block 291, Lot 50, 105 William Street, check is 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 #230-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
A DELL SERVER MEMORY UPGRADE**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a memory upgrade for the Borough server 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 is under State Contract No. 70256 for the year 2013; and

WHEREAS, the cost for the purchase of server equipment is not to exceed \$792.16; and

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

The CFO hereby certifies that the funds in the amount not to exceed \$792.16 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 #234-13

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
MARLBOROUGH AVENUE RECONSTRUCTION PROJECT**

NOW, THEREFORE, BE IT RESOLVED that Council of Middlesex Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Middlesex Borough-00358 to the New Jersey Department of Transportation on behalf of Middlesex Borough.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Middlesex Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Borough Clerk read the following resolution:

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

Resolution #235-13

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ASHLAND ROAD RECONSTRUCTION PROJECT

NOW, THEREFORE, BE IT RESOLVED that Council of Middlesex Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Middlesex Borough-00359 to the New Jersey Department of Transportation on behalf of Middlesex Borough.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Middlesex Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Borough Clerk read the following resolution:

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

Resolution #231-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF SIX (6) DELL LAPTOPS

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase six Dell laptops 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 is under State Contract No. 70256 for the year 2013; and

WHEREAS, the cost for the purchase of a six Dell lap tops is not to exceed \$6,681.60; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of six (6) Dell lap tops is ordered under State Contract No. 70256 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$1,181.60 are available in Account No. 04-1832-00-1832-54 and funds in the amount not to exceed \$5,500.00 are available in Account No. 04-1832-00-1832-90.

Mayor Dobies is concerned that only six computers were ordered as it is difficult to move his laptop on a daily basis. Council recommended that the mayor be provided with a free standing computer for his office, so that he can take his laptop home.

Councilman Dotey made a motion for approval, seconded by Council President DiMura 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 #232-13

WHEREAS, Superior Security Systems, the owner of 137 Lincoln Blvd, made application to the Planning Board for a major site plan; and

WHEREAS, check no. 16806 dated 07/11/2013 payable to the Borough of Middlesex, was submitted in the amount of \$300.00 in payment of said application; and

WHEREAS, check no. 16807 dated 07/11/2013 payable to the Borough of Middlesex, was submitted in the amount of \$1500.00 in payment of escrow and

WHEREAS, said owner at 137 Lincoln Blvd , Block 122, Lot 3 cancelled the application to the Planning Board and has requested refund of the fees; and

WHEREAS, the application had not progressed to the review stage.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1800.00 in favor of, Superior Security Systems,137 Lincoln Blvd, Middlesex, NJ 08846 for refund of fee for Planning Board application and escrow.

Councilman Schueler questioned if any escrow fees were outstanding on this application before the resolution is approved to refund these funds. The Borough Clerk will check into this refund.

Councilman Schueler made a motion to table this resolution until the September 24, 2013 Public Meeting, 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 #233-13

WHEREAS, bids were received September 4, 2013 for One Custom Fire Pumper and 100ft Aerial Tower;

WHEREAS, there was one bid received which is listed below:

Absolute Fire Protection Co., Inc.	\$ 561,433.00 – Pumper
2800 Hamilton Blvd.	\$1,113,113.00 – Tower
South Plainfield, NJ 07080	\$1,674,546.00 – Total

WHEREAS, the Middlesex Fire Department Truck Committee in concurrence with the Borough Attorney recommends to award the bid to Absolute Fire Protection Co., Inc. in the amount of \$1,674,546.00; and

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

1. Based upon the recommendation of the Middlesex Fire Department Truck Committee and the Borough Attorney, the governing body hereby awards the bid for the One Custom Fire Pumper and 100ft Aerial Tower to Absolute Fire Protection Co., Inc. in the amount of \$1,674,546.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$1,674,546.00 are available in Account No. 04-1832-00-1832-74.

Councilman Kaplan stated that the Finance Committee had budgeted two million dollars for this truck, which was estimated to be 1,800,000. We received a favorable bid from Absolute Fire Protection Co., Inc. in the amount of \$1,674,546.00. We have also been told that they will pay \$35,000 for a trade of our present truck.

Councilman Kaplan made a motion for approval, seconded by Councilman DiMura 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 #236-13

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.

Councilman DiMura made a motion for approval, seconded by Council Dotey 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

1. Council President DiMura discussed that the DPW has been working on the clean up of the vacant properties in the borough and he has looked into how this is handled in Piscataway where they use a private landscaper and a lien is put on the property. Council President DiMura is recommending that the borough attorney move forward to prepare an ordinance to handle the clean up of these properties this way. The Borough Attorney will prepare an ordinance which will reflect the qualifications that the contractor needs, and allow for a maximum of 4 – 5 landscaping companies from Middlesex Borough that will be used on a rotating basis.

PUBLIC COMMENTS

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

Pete Wosniak, 1200 Sheridan Avenue commented on the 6 laptops that are being purchased and what they will be used for and also the weeds that are growing in the Street on Sheridan Avenue.

Bill Moore, 165 Barbara Place questioned the status of the Berger Building and some of the buildings in town that have been involved with fires.

Attorney Aithal indicated that we have already cited the company that owns the Berger building and the Borough is now going after the individual owners of the LLC.

Councilman Kaplan mentioned that the owners have picked up the permits for demolition on Glen Gary and Orchard.

Andy Castaldo, Assistant Fire Chief thanked the Mayor and Council for purchasing the two fire trucks and thanked Councilman Kaplan for his dedication to this project.

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 #237-13

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. Sadat Associates Lawsuit

Council President DiMura made a motion for approval, seconded by Councilman DiMura 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 Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
September 24, 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 (late)
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

Mayor Dobies added the following items to tonight's Executive Session (1) Board of Health Personnel Matter; and (2) Potential Litigation.

APPOINTMENTS - NONE

PROCLAMATIONS - NONE

PRESENTATIONS

Terry Vogt and Randy Laks discussed the long term improvements to Mountain View Park and reviewed the 3 phases of this recommended improvement project.

Phase I included the following:

- (1) Refurbish existing football field – combined grass football & soccer field, provide new goal posts & soccer goals, regulation size high school fields
- (2) Refurbish existing soccer field – grass field, regulation size high school field, provide new soccer goals
- (3) Refurbish existing running track
- (4) Refurbish existing high jump
- (5) Refurbish existing long jump
- (6) Remove and replace existing bleachers, Home and Visitor Benches – ADA Compliance
- (7) Remove and replace existing concession stand & rest rooms
- (8) Replace/update existing scoreboard

- (9) Replace existing chain link fence & gates
- (10) Install 10 foot wide asphalt path from road to field
- (11) Reconstruct existing Parking area (122 spaces)
- (12) Provide new sports field lighting for primary field

Phase 2 included the following:

- (1) Refurbish existing baseball field
- (2) Relocate/reconstruct existing softball field
- (3) Refurbish existing running track
- (4) Remove and replace existing bleachers, Home and visitor benches – ADA compliant
- (5) Replace/Update existing scoreboard
- (6) Replace existing chain link fence & gates
- (7) Install 10 foot wide asphalt walking path

Phase 3 included the following:

- (1) Widen & reconstruct entrance drive, intersection with Bound Brook Road
- (2) Repair entrance drive
- (3) Replace/Update existing comfort facilities – ADA compliant

Mayor Dobies opened the public portion of the meeting for discussion on this presentation.

Dave Oliver, 216 Ashland Road requested council do this project correctly and requested that if approved by the DEP that the football field be made a synthetic field. This field could be used for many classes and activities at the High School. Also, Mr. Oliver recommended that the borough contact the Superintendent or Business Administrator at Jonathon Dayton High School in Springfield to discuss their synthetic field that was put in a flood zone.

Terry Vogt will also include in Phase 1 the cost of a synthetic field for the football field.

Council President DiMura requested Council approval to reach out to Middlesex County to obtain an open space grant to supplement the cost of this project. Council approved.

NEW BUSINESS - NONE

PUBLIC HEARINGS - NONE

ADOPTION OF MINUTES

Council President DiMura moved the approval of the September 10, 2013 Public Meeting Minutes and Executive Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Insurance/Public Utilities – Nothing to Report
2. Recreation/Recreation Fields/Water & Light – Nothing to Report

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

- (a) Communications Update - Councilman Kaplan stated that the electricity has been installed at Pierce Fire House for the new repeaters. In the next two months they will be working on the electricity for the repeaters at Parker Fire House.
- (b) Stream Cleaning Update & Temporary Help - Councilman Kaplan stated that the Stream Cleaning Project has been successful and is now coming to an end. Councilman Kaplan stated that funds are still available and would like Predator to continue with this project until Winter. Council President DiMura made a motion to give permission to Councilman Kaplan to discuss with Predator the next phase on the Stream Cleaning Project seconded by Councilman Dotey and carried by a unanimous vote of Council.

4. Public Works/Parks/Sanitation/Recycling

- (a) Councilwoman Jenkins discussed the distribution of leaf bags at the Recycling Center starting on October 1. Bob Teutsch will meet with Councilwoman Jenkins to set up a program for the distribution of these bags.

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

6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Nothing to Report

REPORTS

Mayor's Report

- 1. Cablevision – Mayor Dobies will discuss the pro and con of the television station and his discussion with the Board of Education at the October 8, 2013 Meeting.

The Borough Clerk read the following resolution:

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

Consent Agenda 2013(U)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolution Nos. 242-13 and 243-13 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 #232-13
Resolution #238-13 – Resolution #241-13
Resolution #244-13 – Resolution #246-13

Councilman Kaplan made a motion for approval, seconded by Councilwoman Tackach 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 #232-13

WHEREAS, Superior Security Systems, the owner of 137 Lincoln Blvd, made application to the Planning Board for a major site plan; and

WHEREAS, check no. 16806 dated 07/11/2013 payable to the Borough of Middlesex, was submitted in the amount of \$300.00 in payment of said application; and

WHEREAS, check no. 16807 dated 07/11/2013 payable to the Borough of Middlesex, was submitted in the amount of \$1500.00 in payment of escrow and

WHEREAS, said owner at 137 Lincoln Blvd , Block 122, Lot 3 cancelled the application to the Planning Board and has requested refund of the fees; and

WHEREAS, the application had not progressed to the review stage.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1800.00 in favor of, Superior Security Systems,137 Lincoln Blvd, Middlesex, NJ 08846 for refund of fee for Planning Board application and escrow.

The Borough Clerk read the following resolution:

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

Resolution #238-13

**RESOLUTION RELEASING THE PERFORMANCE BOND COVERING
2012 MILL & OVERLAY PROGRAM**

WHEREAS, Stilo Excavation, Inc. 2907 South Clinton Avenue, South Plainfield, NJ 07080 has requested a release of the performance bond upon acceptance of the Maintenance Bond; and

WHEREAS, Remington & Vernick Engineers has reviewed all documents and is recommending release of the Performance Bond;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey in accordance with NJAC 40:55D-53c. (1) of the Municipal Land Use Law, and by recommendation of the Borough Engineer release of the performance bond in the amount of \$253,924.50.

The Borough Clerk read the following resolution:

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

Resolution #239-13

The Tax Collector is hereby authorized to issue a check in the amount of \$8,244.70 and a check for a tax sale premium in the amount of \$16,000 to redeem tax sale certificate #2013-1818, Block 264, Lot 5, 218 Runyon Avenue, check is 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 #240-13

Authorizing the Mayor and Borough Clerk to execute the Yard Waste Interlocal Service Agreement with the Middlesex County Improvement Authority for a term expiring July 31, 2015.

The Borough Clerk read the following resolution:

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

Resolution #241-13

WHEREAS, Remington & Vernick Engineers has provided a proposal dated August 19, 2013 for the Construction Observation and Contract Administration Services for the Bound Brook Road Pump Station Improvements Project; and

WHEREAS, this proposal includes a Part Time Project Manager and a Part Time Inspector with support services from their staff, as directed by the Project Manager, who will coordinate with the Borough, Contractor, NJDEP and municipal agencies, along with the specific scope of services for this project; and

WHEREAS, Remington & Vernick Engineers is prepared to proceed for a fee of \$49,900 in accordance with their 2013 contractual professional services.

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

1. The Governing Body hereby approves the proposal by Remington & Vernick Engineers for the proposal dated August 19, 2013 for the Construction Observation and Contract Administration Services for the Bound Brook Road Pump Station Improvements Project in the amount of \$49,900.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$49,900.00 is available in Account No. 04-1611-00-1611-60.

The Borough Clerk read the following resolution:

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

Resolution #244-13

WHEREAS, Remington & Vernick Engineers has provided a proposal dated August 16, 2013 for the Engineering and Construction Inspection Services for the repairs to Creighton Lake Dam; and

WHEREAS, this proposal includes an Engineering Phase at a cost of \$24,150, along with an Inspection Phase at a cost of \$17,500 for a total fee of \$41,650.00; and

WHEREAS, this scope of work and fee does not include the outside agency permit applications outlined in the August 16, 2013 proposal along with the construction layout.

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

1. The Governing Body hereby approves the proposal by Remington & Vernick Engineers dated August 16, 2013 for the Engineering and Construction Inspection Services for the repairs to the Creighton Lake Dam at a total cost not to exceed \$41,650.00.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$41,650.00 is available in Account No. 02-4000-00-3009-90.

The Borough Clerk read the following resolution:

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

Resolution #245-13

WHEREAS, Remington & Vernick Engineers has provided a proposal dated June 26, 2013 for the Design, Inspection and Construction Administration Services for the 2013 Mill and Pave Program; and

WHEREAS, this proposal includes Design Services in the amount of \$25,000 and Inspection and Contract Administration Services in the amount of \$25,000 for an estimate not to exceed \$50,000; and

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

1. The Governing Body hereby approves the proposal by Remington & Vernick Engineers for the proposal dated June 26, 2013 for the Design, Inspection and Construction Administration Services for the 2013 Mill and Pave Program in an amount not to exceed \$50,000.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$50,000 is available in Account No. 04-1832-00-1832-52.

The Borough Clerk read the following resolution:

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

Resolution #246-13

WHEREAS, Remington & Vernick Engineers has provided a proposal dated June 26, 2013 for the Design, Inspection and Construction Administration Services for the 2013 NJDOT Municipal Aid Program – Fairview Avenue; and

WHEREAS, this proposal includes the following:

- | | |
|------------------------------------|----------|
| 1. Design Services | \$31,300 |
| 2. Inspection and Material Testing | \$34,000 |
| 3. Contract Administration | \$ 5,000 |
| 4. Permit Application Fees | \$ 1,600 |

TOTAL:	\$71,900
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WHEREAS, Remington & Vernick Engineers is prepared to proceed for a fee not to exceed \$71,900 in accordance with their 2013 contractual professional services.

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

1. The Governing Body hereby approves the proposal by Remington & Vernick Engineers for the proposal dated June 26, 2013 for the Design, Inspection and Construction Administration Services for the 2013 NJDOT Municipal Aid Program – Fairview Avenue in an amount not to exceed \$71,900.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$71,900 is available in Account No. 04-1842-00-1842-52.

The Borough Clerk read the following resolution:

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

Resolution #242-13

WHEREAS, the Borough of Middlesex has in its possession two bicycles and bicycle parts that have been abandoned, recovered or unclaimed by the owners thereof; and

WHEREAS, the Borough of Middlesex has attempted on numerous occasions to sell, auction or otherwise make available to the general public such abandoned, recovered or unclaimed bicycles and bicycle parts; and

WHEREAS, the Borough of Middlesex has and continues to expend time, effort, physical space and resources in storing such abandoned, recovered or unclaimed bicycles and bicycle parts; and

WHEREAS, the Borough of Middlesex is desirous to divest itself of the responsibilities and expenses attendant to storing such abandoned, recovered or unclaimed bicycles and bicycle parts; and

WHEREAS, the Bridgewater-Raritan High School has expressed an interest in acquiring the adult bicycles and bicycle parts stored and maintained by the Borough of Middlesex for donation to “Homes of Living Hope” a recognized philanthropic entity organized and existing as a 501 (c) (3) tax exempt charitable organization; and

WHEREAS, the said adult bicycles and bicycle parts will be transported to the needy in Uganda;

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 Councilmanic liaison shall coordinate the transfer of 2 adult bicycles and bicycle parts to Bridgewater Raritan High School at no cost to the Borough.
2. This Resolution shall take effect immediately.

Councilwoman Jenkins made a motion to approve the resolution as amended to include the number of adult bicycles, seconded by Councilman Schueler 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 #243-13

WHEREAS, the Borough of Middlesex has in its possession 11 bicycles and bicycle parts that have been abandoned, recovered or unclaimed by the owners thereof; and

WHEREAS, the Borough of Middlesex has attempted on numerous occasions to sell, auction or otherwise make available to the general public such abandoned, recovered or unclaimed bicycles and bicycle parts; and

WHEREAS, the Borough of Middlesex has and continues to expend time, effort, physical space and resources in storing such abandoned, recovered or unclaimed bicycles and bicycle parts; and

WHEREAS, the Borough of Middlesex is desirous to divest itself of the responsibilities and expenses attendant to storing such abandoned, recovered or unclaimed bicycles and bicycle parts; and

WHEREAS, there are numerous children within the Borough that would benefit from receiving a bicycle for recreational use; and

WHEREAS, the said children's bicycles and bicycle parts will be otherwise disposed or destroyed at cost to the Borough;

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 Councilmatic liaison shall coordinate the transfer of 11 children's bicycles and bicycle parts to needy children residing in the Borough consistent with this Resolution.
2. The recipients of any bicycle or bicycle parts shall sign an appropriate waiver of liability and shall assume responsibility for the safety and operability of any such bicycle or bicycle part.
3. Best efforts shall be used to distribute the children's bicycles or bicycle parts at the Fall Festival to be held at Mountain View Park on or about October 14, 2013.
4. This Resolution shall take effect immediately.

Councilwoman Jenkins made a motion to approve the resolution as amended to include the number of children bicycles, seconded by Councilman Schueler 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 #247-13

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 53959	Odor Authority, LLC	\$470.15
PO 54086	Protection Plus Security Systems	\$1,240.00
PO 54106	R & R Irrigation Company, Inc	\$1,337.59

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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

1. Middlesex County Wastewater Management Plan Map - Jerome Sheehan has reviewed the Wastewater Management Plan map that was prepared by the Middlesex County Planning Board as required by the NJDEP and unless the borough objects to the environmentally sensitive and public open spaces that are included, he does not see any reason to object to the map. Council approved a resolution consenting to the Future Wastewater Service Area Map will be adopted at the October 8, 2013 Regular Meeting.

PUBLIC COMMENTS

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

Darlene Devereaux, 73 George Avenue mentioned that her son will be returning from Afghanistan and requested that the borough form a committee that welcomes home the borough soldiers from the military. Requested that maybe have Police Department, Fire Department and OEM line the street when he returns.

Councilman Kaplan mentioned that he would bring this suggestion to the Fire Department and volunteered, along with Councilwoman Tackach to form a committee to welcome these servicemen back to town.

Betty Platten, 4 Hooker Avenue complimented the Borough Attorney for his professionalism and that she feels so secure having him as the legal counsel for the town.

Peter Gardner, 118 S. Woodland Avenue discussed (1) teenagers helping at basketball practice and his daughter feeling uncomfortable with male volunteer helpers; (2) absent coaches during team practices and games; (3) fiscal mismanagement in the Recreation Dept. – 60% of Travel basketball players have not paid their registration fee in a timely manner

Council President DiMura questioned if Mr. Gardner had notified the Recreation Director of all these items he has brought forth. Attorney Aithal also mentioned that it is not a requirement to fingerprint minors, as they are not coaches.

Katelyn Tackach, 149 Benart Place stated that the helpers were volunteers at the practice which helped the coach demonstrate plays for the team.

Christine DiNizo, 7 Pearl Place discussed: (1) student volunteers helping coach demonstrate plays; (2) no one reported any concern with the student volunteers; and (3) wants someone to stop accusing her son of any wrongdoing.

Dave Oliver, 216 Ashland Road questioned if any progress had been made on the boulders at Victor Crowell Park. Mayor Dobies stated that he is presently working on these boulders.

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 #248-13

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. Administrator Candidates
2. Sadat Associates Lawsuit

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 Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
OCTOBER 8, 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

PROCLAMATIONS

APPOINTMENT

Councilwoman Jenkins moved the acceptance of the resignation of John Madden from the Board of Health seconded by Councilman Schueler and carried by a unanimous vote of Council.

PRESENTATIONS - NONE

NEW BUSINESS - NONE

PUBLIC HEARINGS-NONE

ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the September 10, 2013 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the September, 2013 Finance Report seconded by Councilman Schueler and carried by a unanimous vote of members present.

2. Recreation/Recreation Fields/Water & Light
 - (a) The Fall Festival is scheduled for this Saturday and it was recommended that three DPW employees work for 6 hours overtime to help with the Festival. Councilman Dotey

made a motion to approve 3 DPW employees for 6 hours overtime for the Festival seconded by Councilwoman Jenkins and carried by a majority of council members (abstain: Tackach).

(b) Recreation Director and Commission discussed Cap Lane Park and the exposed footings due to the flooding. The Commission is considering removing the equipment, and the engineer has confirmed that the equipment is outdated. Council will look at this park, and consider putting funds in the capital budget for new equipment.

(c) Fitzsimmons Park – Commission would like to add a climber at this park and also resurface the basketball Court – This request will be put in the capital budget for 2014.

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

(a) Councilman Kaplan stated that final inspection was done this past weekend and the first place award went to Pierce Firehouse. Parker Firehouse won for the cleanest truck. Firefighter Bob Soper resigned from Lincoln and he is now at Parker.

(b) Councilman Kaplan also mentioned that Parker Firehouse will be holding an open house from 6 pm – 9 pm this Friday

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

(a) Councilwoman Jenkins moved the approval of the July & August, 2013 DPW Report seconded by Councilman Schueler and carried by a unanimous vote of Council.

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

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

(a) Councilman Schueler mentioned that the Director of the Office on Aging has requested that Laura Meixner be hired as Meals on Wheels Driver, as her present driver is leaving October 18th. Councilman Schueler made a motion to hire Laura Meixner contingent upon a satisfactory background check seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

(b) Councilman Schueler updated council that the Borough Attorney will have comments on the TNR proposed ordinance for the October 22, 2013 Meeting.

REPORTS

Mayor’s

- 1. Cablevision – The Ordinance will be introduced at the October 22, 2013 Meeting. Mayor Dobies will discuss the “studio” with the Board of Education on Thursday.
- 2. Council approved the extra T-shirts from the 100th Anniversary celebration be distributed to the Seniors and also the youth shirts given to children at the Fall Festival.

The Borough Clerk read the following resolution:

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

Consent Agenda 2013(T)

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 Nos. 249-13, 250-13, 251-13, 264-13, 265-13, 266-13, 267-13 and 271-13 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 #252-13 – Resolution #263-13
Resolution #268-13 – Resolution #270-13

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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 #252-13

WHEREAS, Robert LaCapria was issued a street opening permit on 12/3/12; and

WHEREAS, Robert LaCapria deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, twenty-five percent of said fee shall be taken out for administration charges; and

WHEREAS, said roadway at 303 Hazelwood Avenue was inspected by Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Robert LaCapria,303 Hazelwood Ave., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2012-010.

The Borough Clerk read the following resolution:

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

Resolution #253-13

The Tax Collector is hereby authorized to refund 4th quarter 2013 property taxes on the following property. The finance/mortgage company overpaid.

BLOCK/LOT	NAME & ADDRESS	AMOUNT
303/1	Adami, Christina & Daniel 46 Marlborough Ave	\$ 3.00

The check is to be made payable to: Title Source
662 Woodward Avenue
Detroit, MI 48226

The Borough Clerk read the following resolution:

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

Resolution #254-13

The Tax Collector is hereby authorized to transfer monies from the Current Fund into Unity Bank collected at the September 10, 2013 tax sale for premiums on specified properties in the amount of \$12,100.00.

80/26	Sequoia Investments	\$6,000
256/6	Sequoia Investments	\$6,100

The check should be made payable to: Borough of Middlesex

The Borough Clerk read the following resolution:

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

Resolution #255-13

**RESOLUTION AUTHORIZING PURCHASE OF ONE COMMERCIAL TORO
GROUNDMASTER 7210 ZEE MODEL 30464N UNDER MIDDLESEX REGIONAL
EDUCATIONAL SERVICES COMMISSION CO-OP #65MCESCCPS, BID #MRESC12/13-24**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a Commercial Toro Groundmaster 7210 Zee Model 30464N from Middlesex Regional Educational Services Commission Co-Op #65MCESCCPS, bid #MRESC12/13-24; and

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

WHEREAS, Storr Tractor Company is under Middlesex Regional Educational Services Commission Co-Op through July 31, 2014 for Grounds Equipment; and

WHEREAS, the cost for the purchase of one Commercial Toro Groundmaster 7210 Zee Model 30464N is not to exceed \$20,541.60; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a Commercial Toro Groundmaster 7210 Zee Model 30464N under MRESC12/13-24 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$20,541.60 is available in Account No. 04-1832-00-1832-78.

The Borough Clerk read the following resolution:

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

Resolution #256-13

RESOLUTION AUTHORIZING PURCHASE OF ONE TORO INFIELD PRO 5040 UNDER MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION CO-OP #65MCESSCCPS, BID #MRESC12/13-24

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a Toro Infield Pro 5040 from Middlesex Regional Educational Services Commission Co-Op #65MCESSCCPS, bid #MRESC12/13-24; and

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

WHEREAS, Storr Tractor Company is under Middlesex Regional Educational Services Commission Co-Op through July 31, 2014 for Grounds Equipment; and

WHEREAS, the cost for the purchase of one Toro Infield Pro 5040 is not to exceed \$26,408.61; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a Toro Infield Pro 5040 under MRESC12/13-24 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$26,408.61 is available in Account No. 04-1832-00-1832-78.

The Borough Clerk read the following resolution:

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

Resolution #257-13

RESOLUTION AUTHORIZING PURCHASE OF ONE 2014 CHEVROLET TAHOE SSV 4WD UNDER CRANFORD POLICE COOPERATIVE PRICING SYSTEM, SYSTEM IDENTIFIER #47-CPCPS

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a 2014 Chevrolet Tahoe SSV 4WD under the Cranford Police Cooperative Pricing System, System Identifier #47-CPCPS; and

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

WHEREAS, Mall Chevrolet is under the Cranford Police Cooperative Pricing System, System Identifier #47-CPCPS through August 31, 2014 for Police and Administrative Vehicles (2014 Model Year); and

WHEREAS, the cost for the purchase of a 2014 Chevrolet Tahoe SSV 4WD is not to exceed \$37,451.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a 2014 Chevrolet Tahoe SSV 4WD under Cranford Police Cooperative Pricing System be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$37,451.00 is available in Account No. 04-1832-00-1832-71.

The Borough Clerk read the following resolution:

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

Resolution #258-13

Authorizing the Mayor to execute a Remedial Action Permit Application – Soil for the Factory Lane Right of Way (ROW).

The Borough Clerk read the following resolution:

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

Resolution #259-13

RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of the Borough of Middlesex has previously issued a tax sale certificate to US Bank Cust\Empire V which certificate is dated November 27, 2012 covering premises commonly known and referred to as Block 291, Lot 43 as set out on the municipal tax map then in use which certificate bears number 2012-1807.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Borough of Middlesex that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Affidavit of Loss, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this resolution and the Affidavit of Loss be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

The Borough Clerk read the following resolution:

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

Resolution #260-13

The Tax Collector is hereby authorized to issue a check in the amount of \$36,551.70 to redeem tax sale certificate #2011-1755 and tax sale premium in the amount of \$9,000, Block 124, Lot 5.02, 328 Raritan Avenue. The check is to be made payable to:

US Bank CUST CCTS Capital LLC
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #261-13

The Tax Collector is hereby authorized to issue a check in the amount of \$3,640.67 and a check for a tax sale premium in the amount of \$2,100 to redeem tax sale certificate #2013-1813, Block 124, Lot 5.03, 117 Chestnut Street, check is 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 #262-13

The Tax Collector is hereby authorized to issue a check in the amount of \$10,097.83 to redeem tax sale certificate #2011-1756, Block 124, Lot 5.03, 117 Chestnut Street, check is to be made payable to:

U S Bank Cust\Emp IV Cap One
2 Liberty Place - TLSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #263-13

The Tax Collector is hereby authorized to issue a check in the amount of \$30,070.75 to redeem tax sale certificate #2011-1758 and a check in the amount of \$7,100 for a tax sale premium, Block 157, Lot 12, 116 Fairview Avenue, check is to be made payable to:

U S Bank Cust for Tower DBW
2 Liberty Place - TLSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

Resolution #268-13

A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: FUTURE WASTEWATER SERVICE AREA (FWSA) MAP FOR MIDDLESEX COUNTY, NEW JERSEY

WHEREAS, the Middlesex County Board of Chosen Freeholders desire to provide for the orderly development of wastewater facilities within Middlesex County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on October 7, 2013 for the Future Wastewater Service Area (FWSA) map has been prepared by the Middlesex County Office of Planning.

NOW, THEREFORE, BE IT RESOLVED on this 8th day of October, 2013, by the governing body of Middlesex that:

1. The governing body of the Borough of Middlesex hereby consents to the amendment entitled Future Wastewater Service Area (FWSA) Map, and publicly noticed on October 7, 2013, prepared by the Middlesex County Office of Planning, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4 and to the Middlesex County Office of Planning, Division of Comprehensive Planning and the Environment.

The Borough Clerk read the following resolution:

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

Resolution #269-13

The governing body hereby accepts the retirement of James Tolomeo effective August 1, 2013. James Tolomeo is entitled to the following separation benefits to be paid in the payroll of October 18, 2013:

Vacation Pay	\$ 860.80
13 Sick days	\$ 3,225.04
Total Due	\$ 4,085.84

The Borough Clerk read the following resolution:

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

Resolution #270-13

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

WHEREAS, On October 1, 2013 Chief Young recommended Police Officer James Dolinski 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 James Dolinski be and is hereby advanced in grade to Patrolman Class "C" effective October 24, 2013 at an annual salary \$78,692.

The Borough Clerk read the following resolution:

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

Resolution #249-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 223 Mountain Avenue, Block 318, Lot 7 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the PNC Bank of record of such property and Safeguard Properties have been duly notified on 9/9/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$7,789.51 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$7,789.51 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
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 #250-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 206 Lincoln Blvd., Block 349, Lot 2 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property Robert Bills have been duly notified on 9/9/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$ 679.50 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$ 679.50 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.

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 #251-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 128 Chestnut Street, Block 125, Lot 20 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property and Deval Management have been duly notified on 9/9/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$937.50 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$937.50 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
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 #264-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 8 Harris Avenue, Block 167.01, Lot 6, within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property An Le have been duly notified on 9/24/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$418.80 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$ 418.80 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
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 #265-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 277 Lincoln Blvd., Block 147, Lot 3 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property Lincoln Holding Company and Andrew Salib of Harold Cook Associates have been duly notified on 9/20/2103of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$1,826.40 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$1,826.40 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
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 #266-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 336 Lorraine Avenue, Block 190, Lot 23 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property John & Christina Garripoli and One West Bank FSB have been duly notified on 9/20/2013 and 9/24/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$1,058.91 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$1,058.91 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.

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 #267-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 715 Drake Avenue, Block 283, Lot 7.01 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property Eric & Natalie Fink have been duly notified on 9/24/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$1,353.32 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$1,353.32 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
3. This Resolution shall take effect immediately.

Council President DiMura commended the Mayor for his hard work in getting these properties cleaned up. We will be recouping over \$14,000.

Council President DiMura made a motion to approve Resolution #249-13, #250-13, #251-13, #264-13, #265-13, #266-13 and \$267-13 for approval, seconded by Councilman Dotey 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 #271-13

WHEREAS, Partner Engineering and Science, Inc. has provided a proposal dated August 26, 2013 and revised September 19, 2013 for the Grant Close-Out – Additional Environmental Services; and

WHEREAS, this proposal includes:

1. Permanent closure of anomalies (assumed potential septic tanks) identified on (2) lots during ground penetrating radar (GPR) survey of the sites (127 7th Street and 131 7th Street) in an amount not to exceed \$8,640;
2. Historic fill evaluation on remaining (5) lots in an amount not to exceed \$6,575 (If the evaluation on the prior two lots is not completed, we have included below a fee that includes evaluation on all seven (7) lots in an amount not to exceed \$7,975);
3. Soil and/or groundwater sampling and laboratory analysis of soil samples (if required); and

WHEREAS, the borough anticipates being reimbursed by FEMA and the NJDEP.

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

1. The Governing Body hereby approves the proposal by Partner Engineering and Science, Inc. dated August 26, 2013 and revised September 19, 2013 for the Grant Close-Out – Additional Environmental Services in an amount not to exceed \$16,615.
2. The Borough anticipates being reimbursed by FEMA and the NJDEP.
3. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$16,615.00 is available in Account No. 04-1808-00-1808-60.

Mayor Dobies mentioned that these additional environmental services were outside of the contract and not anticipated. The Borough Attorney has worked with DEP and FEMA and this cost will be reimbursed by the grants.

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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 #272-13

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 54355	MSC Mailers, Inc	\$ 306.88
PO 54207	Electronic Measurement Labs	\$ 149.00
PO 54206	MJM Truck Repair & Maintenance	\$ 239.61

Councilman DiMura made a motion for approval, seconded by Council Dotey 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 #274-13

Hiring Laura Meixner, 229 Beechwood Avenue, Middlesex, NJ as a Meal on Wheels Driver for the Department of Senior Services @ \$12.00 per hour pending a satisfactory driving abstract.

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.

DISCUSSION ON AGENDA WORKSHOP ITEMS-NONE

PUBLIC COMMENTS

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

Bill Moore, 165 Barbara Place questioned the status of the Berger Building and the traffic situation by the Greenbrook Road Bridge.

Mayor Dobies addressed all issues that were discussed in the public.

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 #273-13

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. Sadat Associates Lawsuit
2. Borough Administrator

Council President DiMura made a motion for approval, seconded by Councilman DiMura 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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
OCTOBER 22, 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 (absent)
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

PROCLAMATIONS-NONE

APPOINTMENT-NONE

PRESENTATIONS - NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1844-13 by title for introduction.

**BOROUGH OF MIDDLESEX
ORDINANCE NUMBER 1844-13**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE
OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE
BOROUGH OF MIDDLESEX, NEW JERSEY TO CSC TKR, LLC,
D/B/A CABLEVISION OF RARITAN**

WHEREAS, the governing body of the Borough of Middlesex (hereinafter referred to as the "Borough") determined that CSC TKR, LLC d/b/a Cablevision of Raritan Valley, (hereinafter referred to as "the Company" or "Cablevision") had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Borough; and

WHEREAS, by application for renewal consent filed with the Borough and the Office of Cable Television on or about December 14, 2011, Cablevision has sought a renewal of the Franchise; and

WHEREAS, the Borough having held public hearings has made due inquiry to review Cablevision's performance under the Franchise, and to identify the Borough's future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough's future cable-related needs and interests;

WHEREAS, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal embodies the commitments set forth below, the Borough's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

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:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Borough Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Borough" shall mean the governing body of the Borough of Middlesex in the County of Middlesex, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) "State" shall mean the State of New Jersey.
- (k) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62)

years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Township. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices

constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision’s subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company’s rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough’s provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. Upon 180 days prior written notice, Cablevision shall construct and maintain a fiber access return line at one (1) facility designated by the Borough within the serviceable franchise territory of the Borough, for use by the Borough in the production of non-commercial educational and governmental access programming on the cable system.

E. Cablevision shall provide the Borough with a one-time PEG grant of up to fifteen thousand dollars (\$15,000.00) payable as follows: (1) an initial grant payment of four thousand and twenty dollars (\$4,020.00) within 60 days of the issuance of the Certificate of Approval by the Board of Public Utilities (the “Initial Grant”); and (2) a grant of one thousand two hundred and twenty dollars (\$1,220.00) provided in annual installments, upon written request by the Borough (the “Annual Grant”). The Annual Grant shall be payable to the Borough within ninety (90) days from receipt of the Borough’s written request. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise term.

F. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph E, shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 21(F).

G. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws, as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Cablevision Systems Corporation
111 Stewart Avenue
Bethpage, NY 11714
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

CSC TKR, LLC d/b/a Cablevision of Raritan Valley
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Borough shall be mailed to:

Borough of Middlesex
1200 Mountain Avenue
Middlesex, New Jersey 08846
Attention: Borough Administrator

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

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

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

PUBLIC HEARINGS-NONE

ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the September 24, 2013 and October 8, 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 – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan thanked the volunteers, Fire Department, Rescue Squad, Police, Borough Attorney and council for helping last Friday with the send off of Chris Bron on his return to the military. A committee will be put together for the next meeting.
4. Public Works/Parks/Sanitation/Recycling – Nothing to Report
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach moved the approval of the August, 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) Councilman Schueler mentioned that the attorney's comments on the TNR proposed ordinance have taken more time than expected and will be discussed at the November 26, 2013 Meeting.

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 not desirous of removing any resolutions 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 #275-13 – Resolution #280-13

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, 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 #275-13

WHEREAS, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS, the owner of record for certain property located at 200 Runyon Avenue, Block 264, Lot 8, C001 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the owner of record of such property Thuy Ta & Tam Nguyen and Safeguard Properties have been duly notified on 9/27/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough has incurred expenses totaling \$995.60 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

WHEREAS, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

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 amount of \$995.60 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
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 #276-13

Authorizing the Mayor to execute the 2014 Flow and Loadings Suggested Estimates for the Middlesex County Utilities Authority.

The Borough Clerk read the following resolution:

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

Resolution #277-13

The Tax Collector is hereby authorized to refund an overpayment of 4th quarter 2012 property taxes due to an overpayment by the finance/mortgage company on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
248/43/C001	Zimbaro, Joseph M & Jeffrey M 927 Lincoln Blvd	\$ 384.99

The Borough Clerk read the following resolution:

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

Resolution #278-13

The Tax Collector is hereby authorized to refund an overpayment of 4th quarter 2012 property taxes due to an overpayment on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
248/43/C002	Kratz, Ryan & Grant, Robyn 929 Lincoln Blvd	\$ 641.65

The Borough Clerk read the following resolution:

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

Resolution #279-13

The Tax Collector is hereby authorized to refund an overpayment of 2013 property taxes due to an overpayment on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
258/25/C002	Belevska, S & Belevski, Z 302 Runyon Avenue	\$ 665.92

The check is to be made payable to: Wells Fargo Real Estate Tax Services, LLC
Attn: Financial Support Unit-Region 1
MAC #X2302-04D
1 Home Campus
Des Moines, IA 50328

The Borough Clerk read the following resolution:

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

Resolution #280-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
(1) 2014 FORD F350 4WD CHASSIS CAB & OPTIONS**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (1) 2014 Ford F350 4WD Chassis Cab & options 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, Ditschman Flemington Ford is under State Contract No. A83577 (T2101) for the year 2013; and

WHEREAS, the cost for the purchase of (1) 2014 Ford F350 4WD Chassis Cab & options is not to exceed \$42,702.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of (1) 2014 Ford F350 4WD Chassis Cab & options is ordered under State Contract No. A83577 (T2101) be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$42,702.00 is available in
Account No. 04-1832-00-1832-77.

The Borough Clerk read the following resolution:

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

Resolution #281-13

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 54377	Alternate Power, Inc	\$ 65.00
PO 54291	Minerva Bunker Gear Cleaners	\$ 262.25

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

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Best Practices Worksheet – Mayor Dobies discussed the Best Practices Worksheet and Council’s review. This worksheet entitles the borough to receive 100% of State Aid for this year.

PUBLIC COMMENTS

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

John Ericson, 209 Second Street, complimented the governing body on the cleanup of Cap Lane and also discussed the removal of the playground equipment at the Cap Lane Park. Mr. Ericson also thanked John Madden, former President of the Board of Health for all his years of service on the Board. Mr. Ericson also recommended that the committees and commissions be up dated on the website.

Barbara Borkowski, 57 George Avenue is concerned with the dimness of the street lights and also thanked Councilman Kaplan for his leadership roll, along with the Borough emergency services for helping with the celebration for Chris Bron’s return to the military.

Mayor Dobies stated that this is an example of how people care, as the committee is being formed by our own 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 #282-13

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. Sadat Associate's Lawsuit
2. Borough Administrator
3. Personnel Issue – Police Officer

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.

The Borough Clerk read the following resolution:

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

Resolution #283-13

The Governing Body of the Borough of Middlesex hereby terminates Patrolman Thomas Griffin from the Middlesex Police Department effective immediately.

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

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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
NOVEMBER 12, 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 "Potential Litigation with T&M" to the Executive Session for discussion.

PROCLAMATIONS-NONE

APPOINTMENT

Mayor Dobies appointed the following individuals to the Welcome Home Deployed Citizen's Committee with Councilman Kaplan as the liaison:

Darlene Devereaux
Robert MacDonald
Patricia Young
Donna Streifler
Barbara Borkowski
Betty Platten
Addie Capozzolo
Melanie Veilleaux

PRESENTATIONS

271 Lincoln Boulevard – Robert Phillips, President of Phillips Safety Products is now located at 123 Lincoln Boulevard and is a manufacturer of specialty eyewear. They also have an internet site for prescriptions and manufacture medical devices. Mr. Phillips attended meeting and indicated that he is purchasing 271 Lincoln Boulevard and explained that his proposed plans are to put two retail stores on the first floor, along with an accessory space for eyewear lab/medical assembly space. Also, the second floor would be office space for Internet and web marketing and a photo studio. Mayor Dobies discussed how the Redevelopment Plan would affect Mr. Phillips' proposal and was advised to contact Mr. Cresitello, the Redevelopment Attorney to

discuss what steps would need to be taken to move on the proposal that was presented for this location.

NEW BUSINESS - NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1844-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX
ORDINANCE NUMBER 1844-13**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE
OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE
BOROUGH OF MIDDLESEX, NEW JERSEY TO CSC TKR, LLC,
D/B/A CABLEVISION OF RARITAN**

WHEREAS, the governing body of the Borough of Middlesex (hereinafter referred to as the “Borough”) determined that CSC TKR, LLC d/b/a Cablevision of Raritan Valley, (hereinafter referred to as “the Company” or “Cablevision”) had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Borough; and

WHEREAS, by application for renewal consent filed with the Borough and the Office of Cable Television on or about December 14, 2011, Cablevision has sought a renewal of the Franchise; and

WHEREAS, the Borough having held public hearings has made due inquiry to review Cablevision’s performance under the Franchise, and to identify the Borough’s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough’s future cable-related needs and interests;

WHEREAS, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision’s proposal for renewal embodies the commitments set forth below, the Borough’s municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

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:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Borough Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Borough" shall mean the governing body of the Borough of Middlesex in the County of Middlesex, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) "State" shall mean the State of New Jersey.
- (k) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require

payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with

the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Township. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided,

however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. Upon 180 days prior written notice, Cablevision shall construct and maintain a fiber access return line at one (1) facility designated by the Borough within the serviceable franchise territory of the Borough, for use by the Borough in the production of non-commercial educational and governmental access programming on the cable system.

E. Cablevision shall provide the Borough with a one-time PEG grant of up to fifteen thousand dollars (\$15,000.00) payable as follows: (1) an initial grant payment of four thousand and twenty dollars (\$4,020.00) within 60 days of the issuance of the Certificate of Approval by the Board of Public Utilities (the "Initial Grant"); and (2) a grant of one thousand two hundred and twenty dollars (\$1,220.00) provided in annual installments, upon written request by the Borough (the "Annual Grant"). The Annual Grant shall be payable to the Borough within ninety

(90) days from receipt of the Borough's written request. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise term.

F. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph E, shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 21(F).

G. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws, as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Cablevision Systems Corporation
111 Stewart Avenue
Bethpage, NY 11714
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

CSC TKR, LLC d/b/a Cablevision of Raritan Valley
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Borough shall be mailed to:
Borough of Middlesex
1200 Mountain Avenue
Middlesex, New Jersey 08846
Attention: Borough Administrator

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

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

Mayor Dobies opened the Public Hearing on Ordinance No. 1844-13. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1844-13.

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

ADOPTION OF MINUTES

Councilwoman Jenkins moved the approval of the October 22, 2013 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved to approve the October, 2013 Finance Report seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan made a motion to approve Steven Tarbous, Ken Bartok, Jason Dudley, Brian Chomen, Dan DelSignore, Darren Lubetkin, Eric Chomen, Al Kriney and Chris Reichert to be accepted as Qualified Drivers of Truck 25 seconded by Councilman Dotey and carried by a unanimous vote of Council.

(b) Councilman Kaplan moved to accept the resignation of Jean Vecchio as an Active Member of the Middlesex Fire Department as of September 26, 2013 seconded by Councilman Schueler and carried by a unanimous vote of Council.

4. Public Works/Parks/Sanitation/Recycling

(a) Councilwoman Jenkins moved the approval of the September, 2013 DPW Report seconded by Councilman Schueler and carried by a unanimous vote of Council.

5. Police/Legal/Code Enforcement/Municipal Court

(a) Councilwoman Tackach moved the approval of the September, 2013 Police Department Monthly Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

(b) Councilwoman Tackach moved the approval of the August, 2013 Construction Report seconded by Councilman Schueler and carried by a unanimous vote of Council.

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

(a) Councilman Schueler mentioned that at the November 2, 2013 Rabies Clinic over 100 dogs and cats were vaccinated.

(b) Councilman Schueler stated that the Board of Health requested that information about the nuisance ordinance and how to make a report, along with the requirement to leash dogs be put in the next newsletter.

REPORTS

Mayor

1. Replacement of CFO – Mayor Dobies requested that the Administrator’s Committee move ahead on this replacement.
2. Remaining Regular Meetings – Mayor Dobies stated that November 26th and December 17th will be the remaining meetings for 2013.
3. Mayor Dobies stated that he met with our engineers and there is a possibility that funding is still available for the borough to mill and pave a small road, although timing is critical due to the weather. Council requested that the Mayor work off the listing of roads that has already been compiled and come up with a recommendation from that existing list.

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 #286-13 and Resolution #287-13 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 #284-13 – Resolution #285-13
Resolution #288-13 – Resolution #294-13

Councilman Schueler made a motion for approval, seconded by Councilwoman Tackach 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 #284-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR ERS GRATE PLATES

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (34) ERS Grate Plates 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, Campbell Foundry Company is under State Contract No. A84205 for the year 2013; and

WHEREAS, the cost for the purchase of (34) ERS Grate Plates is not to exceed \$5,712.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of (34) ERS Grate Plates is ordered under State Contract No. A84205 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$5,712.00 is available in Account No. 02-4000-00-3028-90.

The Borough Clerk read the following resolution:

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

Resolution #285-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF LIGHTING FOR NEW FIRE PICKUP TRUCK

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase lighting for new fire pickup truck 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, Absolute Fire Protection is under State Contract No. 81340 for the year 2013; and

WHEREAS, the cost for the purchase of lighting is not to exceed \$4,372.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of lighting for new fire pickup truck is ordered under State Contract No. 81340 be and is hereby approved.

The CFO hereby certifies that the funds in the amount of \$1,555.00 is available in Account No. 04-1832-00-1832-54 and \$2,817.00 is available in Account No. 04-1832-00-1832-75.

The Borough Clerk read the following resolution:

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

Resolution #288-13

RESOLUTION AUTHORIZING NJPA PURCHASE OF FUEL MANAGEMENT SYSTEM

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a Fuel Management System from the National Joint Powers Alliance; and

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

WHEREAS, Petro King is under NJPA Contract No. 051613-SYS for the year 2013; and

WHEREAS, the cost for the purchase of a fuel management system is not to exceed \$15,000.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a fuel management system is ordered under NJPA Contract No. 051613-SYS be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$15,000.00 are available in Account No. 03-4000-4009-90.

The Borough Clerk read the following resolution:

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

Resolution #289-13

WHEREAS, bids were received October 30, 2013 for (1) 2014 JD 310SK Wheel Loader Backhoe;

WHEREAS, there were three bids received which are listed below:

Foley, Incorporated	Base Bid	\$110,276.31
855 Centennial Avenue	Option #1	\$ 15,260.00
PO Box 1555	Option #2	\$ 4,700.00
Piscataway, NJ 08854	Option #3	\$ 1,380.00

Trico	Base Bid	\$105,300.00
551 N. Harding Hwy	Option #1	\$ 3,932.00
Vineland, NJ 08360	Option #2	\$ 2,279.00
	Option #3	\$ 1,519.00

Jesco	Base Bid	\$100,809.00
118 St Nicholas Avenue	Option #1	\$ 3,704.00
South Plainfield, NJ 07080	Option #2	\$ 2,231.00
	Option #3	\$ 731.00

WHEREAS, the Borough Public Works Supervisor in concurrence with the Borough Purchasing Agent recommends to award the bid to Jesco in the amount of \$100,809.00 and Option #1 in the amount of \$3,704.00; and

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

1. Based upon the recommendation of the Borough Public Works Supervisor and Borough Purchasing Agent, the governing body hereby awards the bid for the 2014 JD 310SK Wheel Loader Backhoe to Jesco in the amount of \$104,513.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$104,513.00 are available in account 04-1832-00-1832-77.

The Borough Clerk read the following resolution:

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

Resolution #290-13

The Tax Collector is hereby authorized to refund an overpayment of 3rd quarter 2013 property taxes due to an overpayment by the homeowner on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
241/14.01	McGovern, Susan 136 Coleman St	\$2,099.58
44/33	Bala, Andrea 405 First St	\$1,405.05

The Borough Clerk read the following resolution:

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

Resolution #291-13

The Tax Collector is hereby authorized to issue a check in the amount of \$12,304.90 to redeem tax sale certificate #2012-1800, Block 267, Lot 2, 750 South Avenue, check is 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 #292-13

The Tax Collector is hereby authorized to refund 4th quarter 2013 property taxes on the following property. The finance/mortgage company overpaid.

BLOCK/LOT	NAME & ADDRESS	AMOUNT
173/43.01	Rooney, James & Kelly 122 Giles Ave	\$ 239.91

The check is to be made payable to: DataQuick Title
5700 Smetana Drive, Suite 400
Minnetonka, MN 55343

The Borough Clerk read the following resolution:

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

Resolution #293-13

**Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Extension January 1, 2014 to June 30, 2014
Resolution**

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, Middlesex Borough was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, The Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to Middlesex Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirements for the extension funding.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex Council does hereby authorize the submission of the grant extension for the Middlesex Municipal Alliance grant in the amount of:

DEDR	\$20,826.00
Cash Match	\$5,206.50
In-Kind	\$53,027.52

The Borough of Middlesex 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 #294-13

The governing body hereby authorizes the Mayor to execute the Field Work Placement Agreement with Kean University to participate in the Internship Program of the Recreation Administration Program of Kean University.

The Borough Clerk read the following resolution:

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

Resolution #286-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF TWO POSITION DISPATCH CONSOLE FOR POLICE DEPARTMENT

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a two position dispatch console for the Police Department 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, Goosetown Communications is under State Contract No. 83892 for the year 2013; and

WHEREAS, the cost for the purchase of a two position dispatch console for the Police Department is not to exceed \$177,750.81; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a two position dispatch console for the Police Department is ordered under State Contract No. 83892 be and is hereby approved.

The CFO hereby certifies that the funds in the amount of \$177,750.81 are available in Account No. 04-1797-00-1797-86.

Councilman Kaplan 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 #287-13

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF NEW RADIOS FOR POLICE DISPATCH CONSOLE

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase new radios for the Police dispatch console 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, Motorola Solutions, Inc. is under State Contract No. 83909 for the year 2013; and

WHEREAS, the cost for the purchase of new radios is not to exceed \$40,835.80; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of new radios for the Police dispatch console is ordered under State Contract No. 83909 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$40,835.80 are available in Account No. 04-1797-00-1797-86.

Councilman Kaplan 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 #295-13

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 54437 Hoski Florist \$ 108.00

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

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Teen Cert Program – Councilman Kaplan discussed this program for 16 – 18 year olds which would be organized through the OEM and will work in conjunction with the school. This program will be free, Jack Costa will train these students and once they are 18 they will be qualified to join our OEM.

PUBLIC COMMENTS

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

Bill Moore, 165 Barbara Place, discussed the report of accidents on the bridge on Sebring Mills Road and the status of the Burger Building.

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 #296-13

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. Sadat Associate's Lawsuit

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.

The Borough Clerk read the following resolution:

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

Resolution #297-13

WHEREAS, there is currently a pending legal action against the Borough of Middlesex filed by Sadat Associates, Inc.; and

WHEREAS, Sadat Associates seeks \$34,400.00, plus interest, costs and attorney fees from the Borough; and

WHEREAS, the parties involved in this litigation have agreed to settle and by virtue of the settlement, all litigation between the parties will be terminated; and

WHEREAS, as part of the settlement agreement, the Borough will pay Sadat Associates the sum of \$18,000.00 as full payment of all claims raised in the pending legal action; and

WHEREAS, the settlement of this pending legal action will result in the Borough being able to save legal expenses and costs; and

WHEREAS, the settlement amount is significantly less than the amount that the Borough believes that Sadat Associates may recover through successful prosecution of the pending legal action; and

WHEREAS, the Governing Body is of the opinion that it is in the best interest of the Borough to settle the pending legal action for the sum of \$18,000.00; and

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

1. The Governing Body hereby determines that it is in the best interest of the Borough of Middlesex to settle the pending legal action instituted against the Borough and to pay Sadat Associates, Inc. the sum of \$18,000.00 as full settlement in connection with the pending legal action.

2. The Mayor and Borough Clerk are hereby authorized and directed to sign the settlement agreement, if any, and attach a copy of the agreement hereto and make the same a part hereof.
3. The Governing Body authorizes the immediate payment of \$18,000.00 to Sadat Associates, Inc.
4. This Resolution shall take effect immediately.

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

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

**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

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
DECEMBER 17, 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

PROCLAMATIONS

Mayor Dobies awarded Outstanding Citizen's Awards to the following individuals and recognized them individually for their services to the Borough and the residents of our town.

John Sweeney	Sherley Penrose
Amelia Sherr	O'Delia Fluks (not present)
John Madden	George Taylor
Robert Sherr	Debbie Taylor
John Fuhrman	Bob MacDonald
Jerry D'Angelo (not present)	Mary Lou Johnson
Tony Sasso	Edward Johnson

Mayor Dobies also awarded Councilman Sean Kaplan an Outstanding Citizen's Awards and commended him for all the work that he has done with the Fire Department and with the flooding.

APPOINTMENT-NONE

PRESENTATIONS-NONE

NEW BUSINESS-NONE

PUBLIC HEARING-NONE

The Borough Clerk read Ordinance No. 1845-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

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:

(a) Service Charge for Flow

Class	Rate/Gallons (100s)
1	0.658824
2	0.784091
3	0.974599
4	0.580882
5	0.561096
6	0.562834
7	0.714439
8	0.843316
9	0.315000

(b) Except as provided in Section 332-38, as may be amended, all other structures or properties which discharge more than 75,000 gallons of domestic sanitary waste water per quarter shall be charged the rates charged by the Middlesex County Utilities Authority for BOD, SS and Cl., above, and 0.3150/100 gallons of flow.

(c) Where any building or structure is used for purposes comprising two or more of the classifications set forth in § 332-41, the flow service charge shall be the total of the fees for each such classification, prorated based upon the square footage of each classification to the total square footage of the building or structure.

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

Mayor

Dobies opened the Public Hearing on Ordinance No. 1845-13.

Mr. Steve Mavrianos, Mountainview Diner complained that this year his sewer charges have tripled and now are at \$2,500 for his Diner and rental property.

Mayor Dobies stated that he may want to install a meter, but that first he should meet with the CFO to discuss his charges.

Seeing that there was no further public participation, Mayor Dobies closed the public hearing on Ordinance No. 1845-13.

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

ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the November 26, 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
 - (a) Council President DiMura acknowledge Andrea Corcoran, the Borough CFO, who has notified the Borough that she will be retiring effective February 28, 2014. Council President DiMura indicated that Andrea Corcoran is one of the employees that has been the glue that has held the borough together for the last 18 years. On behalf of the governing body Council President DiMura thanked her for all of her services and mentioned that she will be sorely missed.
 - (b) 2014 RFP's – Councilman DiMura requested that the Borough Clerk make available the 2014 RFP's for Councilman Elect Greco.
 - (c) Tony Sasso's Reproduction of the September 11th Memorial – Councilman DiMura requested that this reproduction of the 911 Monument be moved from the Library Meeting Room foyer and be put in the Borough Hall's Tax Office Foyer. Council approved.
 - (d) Council President DiMura moved the approval of the November, 2013 Finance Report seconded by Councilman Schueler and carried by a unanimous vote.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan made a motion to accept Jake Wright's resignation from Lincoln Fire House and his move to Beechwood Fire House seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
 - (b) Councilman Kaplan stated that the two weeks ago the Fire Department had just performed a drill extrication and this week there was an accident and they were able to use the knowledge that they gained from the drill and were able to extricate the individual very quickly.
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 mentioned that the Administrative Committee met two weeks ago and have made progress on the TNR Ordinance. This ordinance should be ready for introduction at the January 14, 2014 Regular Meeting.
 - (b) Councilman Schueler stated that the Director of the Office on Aging requested that the name of the department be changed to the Office of Senior and Disabled Services as the County and State have required that the department take on more responsibility with the disabled residents over 18. Councilman Schueler made a motion to change the name of the Office of Senior Services to the Office of the Senior and Disabled Services seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

REPORTS

Mayor

1. Municipal Court: Replacement of Deputy with Violation Clerk – Court Administrator recommended that the Court hire a violation clerk, rather than a Deputy Clerk. Mayor Dobies is now working with the union for the salary for this individual.
2. Part-time CFO – The governing body will be talking about hiring an administrator which could affect the part time CFO position.
3. Full-time Finance Clerk – The Borough must consider the internal candidates at this time.
4. Buyout Close-out Procedures – Mayor Dobies stated that they anticipated all the funds (75% OEM & 25% DEP) before the end of the year. The closings for these properties will be at the Borough Attorney's office.
5. Closing of Administrative Office – Council approved closing the Administrative offices on Christmas Eve at noon. Employees must use compensation time.
6. Landfill Expenditures – Mayor Dobies had a meeting with the DEP and we have overexpended on our budget amount by \$1900. T&M has not submitted an RFP for services as Environmental Engineer for 2014, and the Mayor will therefore meet with the Borough Attorney and Environmental Attorney Mike Cresitello. We can get a \$98,000 grant, but we would be required to develop the landfill. We have also postponed the March 27, 2014 due date for the remediation report, and it will now be due in 2016.

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 #315-13 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 #310-13 – Resolution #314-13
Resolution #316-13 – Resolution #324-13

Council President DiMura made a motion for approval, seconded by Councilman Schueler 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 #310-13

WHEREAS, Absolute Fire Protection Co., Inc. was awarded the contract for One Custom Fire Pumper in the amount of \$561,433.00 and 100ft Aerial Tower in the amount of \$1,113,113.00 for a total amount of \$1,674,546.00 on September 10, 2013; and

WHEREAS, Change Order #1, is an increase of \$47,719.00 for modifications and adjustments to the Custom Fire Pumper for various items and which bring the total contract amount for this to \$609,152.00; and

WHEREAS, Change Order #2, is an increase of \$35,001.00 for modifications and adjustments to the 100ft Aerial Tower for various items and which bring the total contract amount for this to \$1,148,114.00.

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:	\$1,674,546.00
Change Order #1	\$ 47,719.00
Change Order #2	\$ 35,001.00
NEW CONTRACT SUM:	\$1,757,266.00

NOW FURTHER BE IT RESOLVED that the Chief Financial Officer hereby certifies that the funds in the amount of \$1,757,266.00 are available in Account No. 04-1832-00-1832-74.

The Borough Clerk read the following resolution:

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

Resolution #311-13

The governing body accepts the resignation of Corrine Dapuzzo from the Municipal Court Office effective December 20, 2013.

The Borough Clerk read the following resolution:

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

Resolution #312-13

A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, N.J. HEALTH BENEFITS PLANS

WHEREAS, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

WHEREAS, certain retired employees of the Borough have applied for reimbursement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw checks, charged against Insurance (1) Group Insurance for Employees from the period July through December 2013, as follows:

Archie J. Blood, Jr. \$578.40 54 Lincoln Avenue Barnegat, NJ 08005	Karen Thompson \$624.00 6525 41 Avenue North St. Petersburg, FL 33709-4907
Patricia Benson \$629.40 445 Harris Avenue Middlesex, NJ 08846	Arthur Roberts \$578.40 305 Harris Avenue Middlesex, NJ 08846
Earl S. Thompson \$578.40 6525 41 Avenue North St. Petersburg, FL 33709-4907	Susan Cole \$692.40 246 Oak Drive Middlesex, NJ 08846
Rita Wahler \$599.40 16 Fitzsimmons Ave Middlesex, NJ 08846	Anthony Cole \$578.40 246 Oak Drive Middlesex, NJ 08846
Charlie Nash \$578.40 213 Melrose Avenue Middlesex, NJ 08846	Diane Nash \$578.40 213 Melrose Avenue Middlesex, NJ 08846
Lorraine Smith \$578.40 5602 Gold Ct. New Bern, NC 28560-9747	John Giuliano \$578.40 339 Second Street Middlesex, NJ 08846
Jerome Nowak \$578.40 1886 East Fir Ave Apt 104 Fresno, CA 93720	Anthony DiBartolomio \$578.40 4714 Southern Trail Myrtle Beach, SC 29579
Dorothy Coren \$663.00 20 Mead 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 #313-13

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2012 Audit, according to the Local Finance Board Directive 92-15.

The Borough Clerk read the following resolution:

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

Resolution #314-13

The Governing Body appoints Nicholas DiGrazia, 124 Giles Avenue and Robert Guidi, 230 Grant Avenue as School Crossing Guards effective immediately. Both of these individuals have met all the requirements for the position.

The Borough Clerk read the following resolution:

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

Resolution #316-13

WHEREAS, bids were received November 19, 2013 for 2013 NJDOT Road Improvements;

WHEREAS, there were four bids received which are listed below:

Z Brothers Inc 304 Jernee Mill Road Sayreville, NJ 08872	\$155,415.09
Top Line Construction Corp 22 Fifth Street Somerville, NJ 08876	\$173,441.06
Stilo Excavation Inc 2907 South Clinton Avenue South Plainfield, NJ 07080	\$184,562.01
A-Team Concrete Inc 104 George Street South River, NJ 08882	\$215,313.80

WHEREAS, the Borough Engineer in concurrence with the Borough Attorney recommends to award the bid to Z. Brothers Inc. in the amount of \$155,415.09; and

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

1. Based upon the recommendation of the Borough Engineer and Borough Attorney, the governing body hereby awards the bid for the 2013 NJDOT Road Improvements to Z. Brothers Inc. in the amount of \$155,415.09.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$155,415.09 are available in account 04-1842-00-1842-84.

The Borough Clerk read the following resolution:

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

Resolution #317-13

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 #
292/20	Furbee, Ruth 766 William St	\$614.44	680039765

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 #318-13

The Tax Collector is hereby authorized to cancel taxes for 1st – 2nd quarter 2013 taxes in the amount of \$3,344.34 on Block 258, Lot 25, 302 Runyon Avenue. This property has been split into two condos and billed accordingly

The Borough Clerk read the following resolution:

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

Resolution #319-13

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

BLOCK & LOT	NAME & ADDRESS	AMOUNT
51/1	Lyons, Valerie & Thomas M 421 Fulton Street	\$ 250.00

The Borough Clerk read the following resolution:

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

Resolution #320-13

The Tax Collector is hereby authorized to issue a check in the amount of \$9,509.29 to redeem tax sale certificate #2013-1830 and a check in the amount of \$6,100 for a tax sale premium, Block 256, Lot 6, 340 Bound Brook Road, check is to be made payable to:

Sequoia Investments
P O Box 677
Florham Park, NJ 07932

The Borough Clerk read the following resolution:

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

Resolution #321-13

The Borough of Middlesex is hereby authorized to renew their contract with Delta Dental of New Jersey, Inc. effective January 1, 2014.

The rates are listed below:

One Party	\$ 54.99 per month
Family	\$151.65 per month

These rates are guaranteed from January 1, 2014 through December 31, 2014.

The Borough Clerk read the following resolution:

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

Resolution #322-13

The Tax Collector is hereby authorized to issue a check in the amount of \$21,025.10 to redeem tax sale certificate #2012-1804 and a check in the amount of \$13,500 for a tax sale premium, Block 285, Lot 54, 742-4 Voorhees 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 #323-13

The Governing Body hereby declares the following items surplus:

:	
<u>FIRE HQ SURPLUS METAL ITEMS</u>	<u>UNITS</u>
Two Drawer filing Cabinets	2

Metal Desks	2
Old Server Cabinet	1
Lateral Filing Cabinets	2
Metal Stove	2
Refrigerator (Large)	1
Blue Back & Seat Chairs	18
Metal Book Shelves	2
Storage Cabinet	3
Typewriter	1
Air Conditioner	1
Metal Shelving	3
Folding Chairs	3
Two Door Metal Cabinet	2
Metal Particle Unit	1
Clothes Closet with Shelves	1
<u>RECREATION EQUIPMENT</u>	<u>UNITS</u>
Compaq Computer Systems	2
HP Desk Printer 694C	1
HP Desk Jet Printer 5650	1
Brothers Fax	1
Savin Copier	1
<u>CFO OFFICE</u>	<u>UNITS</u>
Large Safe	1
<u>DPW ITEMS</u>	<u>UNITS</u>
1995 Dodge Ram 3500 1ton Mason Dump Truck Vin #1B6MF36CITJ193541	1
1979 GMC Sewer Jet Truck Vin#T16DA9V620000	1
1987 Ford F800 5 to 7 Yd. Dump Truck Vin #1FDXF82K2JVA12628	1
1988 Ford 655C Backhoe/Loader	1
Lee Boy 8500 Paver	1

The Borough Clerk read the following resolution:

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

Resolution #324-13

WHEREAS, on September 18, 2007, the Borough of Middlesex (the "Borough") adopted Ordinance No. 1723-07, which enacted the Lincoln Boulevard Redevelopment Plan (the "Plan"), dated June 27, 2007, encompassing the westerly portion of Lincoln Boulevard from the Borough of Bound Brook border to two-hundred feet (200') east of its intersection with Mountain Boulevard and the south portion of Mountain Boulevard from its intersection with Lincoln Boulevard to William Street; and

WHEREAS, the properties designated under the Plan were all designated as an area in need of rehabilitation; and

WHEREAS, it has been over six (6) years since the adoption of the Plan, during which time there have been significant changes in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”) and case law interpreting same;

WHEREAS, during this time little development has occurred under the Plan;

WHEREAS, the Redevelopment Law sets forth the procedures for the Borough to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a ‘Non-Condensation Redevelopment Area’) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a ‘Condensation Redevelopment Area’); and

WHEREAS, the Borough Council finds it to be in the best interest of the Borough and its residents to authorize the Borough’s Planning Board to undertake such preliminary investigation of the Properties identified on Schedule A attached hereto and made a part hereof, and as shown on the Map attached hereto and made a part hereof as Schedule B, as a Non-Condensation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, in the County of Middlesex, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Paul Ricci of Ricci Planning, pursuant to the notice, hearing and other requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended, in order to recommend to the Borough Council whether the area comprising the properties identified on Schedule A attached hereto and made a part hereof, and as shown on the Map attached hereto and made a part hereof as Schedule B, is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, also know as a “Non-Condensation Redevelopment Area.”

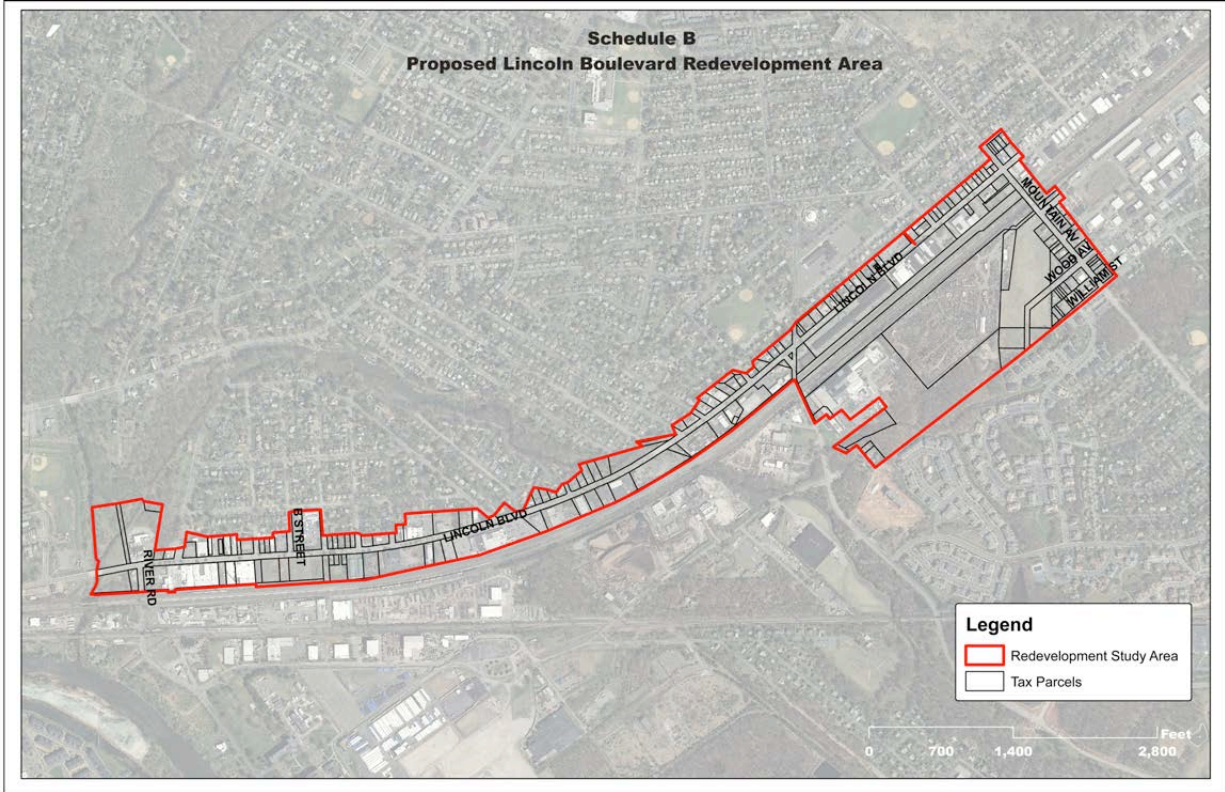
BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Borough of Middlesex.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to

SCHEDULE A

Block 125 Lots 1, 1.5, 2, 6A, 11A
Block 126 Lots 4B, 6, 7
Block 127 Lot 22
Block 128 Lots 1, 2
Block 129 Lots 2A, 3, 4, 5
Block 132 Lots 1, 1A
Block 136 Lots 2A, 3A, 3B, 3C
Block 140 Lots 1, 2, 3, 5, 5'
Block 153 Lots 22, 23, 24, 25
Block 257 Lots 57
Block 299 Lots 31, 34, 37, 41, 43, 44, 47, 51, 55, 57, 60, 61
Block 312 Lots 1, 4A, 8, 10
Block 315 Lot 1
Block 316 Lots 1, 2
Block 318 Lots 3A, 3B, 4A, 4B, 4C, 4D, 4E, 50
Block 319 Lots 13, 14, 18, 19, 23, 24, 26, 32, 30, 34, 35, 37, 38, 39, 43, 47
Block 322 Lot 1
Block 323 Lots 15A, 16
Block 328 Lot 18, 22
Block 333 Lots 23, 29, 29A
Block 334 Lot 1, 2, 3
Block 338 Lot 1, 2
Block 339 Lots 1, 2, 201, 202
Block 341 Lots 1, 6A, 11, 12, 22A, 24A, 29A, 37A, 38
Block 342 Lot 1
Block 343 Lots 1, 12, 13, 14, 14A, 15
Block 411 Lot 1, 5
Block 441 Lot 1
Block 444 Lot 1
Block 447 Lot 3
Block 449 Lot 1, 5
Block 150 Lot 70
Block 152 Lot 21
Block 179 Lots 1, 2, 3, 3A, 5, 6B, 7, 8, 10, 10A, 12A, 12C
Block 286 Lot 1
Block 287 Lots 1A, 2A
Block 288 Lot 1, 60
Block 291 Lots 1, 2, 4, 5, 60
Block 312 Lots 23, 27, 27A
Block 314 Lots 1, 2, 3, 9, 11, 14A, 14, 20, 23, 25, 27, 29, 29A, 31, 33
Block 316 Lots 6A, Lot 9, Lot 10
Block 317 Lots 3, 7, 9, 10, 14
Block 318 Lots 1, 1A, 4A, 7, 10, 11, 9, 15, 19
Block 319 Lot 1, 5
Block 312A Lot 5A
Block 122 Lots 2, 3, 4A
Block 129 Lots 1, 2, 3A
Block 140 Lots 1, 2, 3
Block 340 Lots 1, 2, 3, 3A

law.



The Borough Clerk read the following resolution:

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

Resolution #315-13

The Chief Financial Officer is hereby authorized to cancel the unexpended balance in Capital Ordinance #1771-10 for Swim Pool Improvements in the amount of \$93,670.00.

Councilman DiMura made a motion to table this resolution until after the Swim Pool Commission Meeting, 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 #325-13

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 54684	Image Screen Printing, Inc	\$ 982.25
PO 54704	Bird, David	\$ 212.89

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.

Bob MacDonald, 412 Second Street discussed the possibility of getting a new building for the Department of Public Works.

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

Mayor Dobies stated that before going into executive session he wanted to express his deep appreciation to Council President Ron DiMura for all the help and support he gave him these past two years. The leadership role he held and the time and effort he spent on major borough projects such as the road program, the de-snagging of the streams, the Borough finances and budgets, Mountainview Park, Victor Crowell Park and the 100th Anniversary Celebration would not have been accomplished as quick without his help. The Mayor stated that as mentioned before when I presented your outstanding citizen award you are one of the most productive, if not the most productive, Councilman in my 28 years as Mayor. On behalf of the Governing Body and the numerous residents who have talked to him about your Council work, he thanked Councilman DiMura for a job well done.

The Borough Clerk read the following resolution:

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

Resolution #326-13

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. Administrator: Criteria and Salary
2. Court Administrator's Salary

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.

The Borough Clerk read the following resolution:

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

Resolution #327-13

The Governing Body hereby approves a \$5,000 increase for the Court Administrator, Liz DeAngelis, effective January 1, 2014, as she has become certified as Court Administrator.

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.

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