

**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