

**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