

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
OCTOBER 13, 2015**

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 January 2, 2015 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	Sean Kaplan (absent – sick)
	Kevin Dotey
	Stephen Greco
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

APPOINTMENTS-NONE

PROCLAMATIONS-NONE

PRESENTATIONS-NONE

PUBLIC HEARING-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1881-15 for introduction.

ORDINANCE NO. 1881-15

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY
OF MIDDLESEX, NEW JERSEY, CHAPTER 420,**

ZONING, SECTION 420-15 ACCESSORY STRUCTURES

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:

420-15 Accessory Structures

C. Area restrictions. The size of all accessory structures in residential zones shall be limited to no more than 50% of the size of the principal structure's footprint with a maximum of 800 square feet.

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 All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.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 of Ordinance No. 1881-15 seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

The Borough Clerk read Ordinance No. 1882-15 for introduction.

ORDINANCE NO. 1882-15

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 420, ZONING, SECTION 420-62 FENCES

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:

420-62 Fences

F. The side of the fence that shall face the exterior property boundary shall be "finished". The "unfinished" side of a fence has all the support columns, posts, beams, brackets and/or hardware exposed. In the event of "two sided fences" where both sides of the fence are identical in appearance, the columns and posts shall be installed between each fence section. In the event a fence is attached to a column or post in a manner so as to allow that three (3)

sides of the column or post (or more than 25%) are visible, then this installation shall be deemed to have only one finished side.

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 Greco made a motion for introduction of Ordinance No. 1882-15 seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

The Borough Clerk read Ordinance No. 1883-15 for introduction.

ORDINANCE NO. 1883-15

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY CHAPTER 68, OFFICERS AND EMPLOYEES, REPEALING ARTICLE X BOROUGH ADMINISTRATOR, AND REPLACING IT WITH ARTICLE X, SECTION 68-40 OFFICE CREATED THROUGH SECTION 68-62 SEVERABILITY CLAUSE

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

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

68-40 OFFICE CREATED

The office of Borough Administrator is hereby created in and for the Borough of Middlesex by and subject to the provisions of this article and in accordance with N.J.S.A. 40A:9-136, 40A:9-137 and 40A:9-138, inclusive.

68-41 APPOINTMENT

The Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council. Said appointment shall be made within 120 days after the office becomes vacant unless this time is extended by resolution of the Borough Council. If the Mayor fails to make such appointment within said 120 days and agreed upon time frame, or the Borough Council fails to consent to the appointment made by the Mayor within thirty (30) days, the Borough Council shall appoint said Borough Administrator. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Borough Administrator.

68-42 QUALIFICATIONS

- A. The appointment of a Borough Administrator shall be solely based on the administrative qualification of the appointee, with special regard to his/her education, training and actual experience in governmental affairs. Bachelor's or Master's degree in government or a related field, and at least three (3) years of direct experience in government are the minimum requirements. Completion of a certified public administration program is desirable and is consider a plus to the above qualifications
- B. The person appointed to the Office of Borough Administrator need not be a resident of the Borough at the time of their appointment and may reside outside the municipality.

68-43 TERM OF OFFICE

The Borough Administrator shall serve at the pleasure of the Mayor and Borough Council. During such term, the Administrator shall be subject to periodic review and evaluation of performance.

68-44 REMOVAL

The Borough Administrator may be removed by a 2/3 vote of the Governing Body (Mayor and Council). The Resolution of Removal shall become effective 3 months after its adoption by the Governing Body. However, the Governing Body may provide that the Resolution have immediate effect, in which case, the Administrator shall be paid forthwith any unpaid balance of his salary and his salary for the next 3 calendar months following of the Resolution.

68-45 TEMPORARY APPOINTMENT DURING ABSENCE OR DISABILITY

During any approved absence or disability of the Borough Administrator, the Mayor may appoint, subject to confirmation by the Borough Council, another individual or any employee or officer of the Borough to temporary perform the duties and responsibilities of the Borough Administrator. After three (3) months of such absence or disability, the position may be deemed vacant after recommendation by the Mayor and confirmed by the resolution of the Borough Council. Compensation, if any, for duties performed for an appointment under this section will be determined by the by recommendation of the Mayor and approved by the Borough Council. Section 68-41 of this Ordinance shall not apply to any appointment made pursuant to this section.

68-46 COMPENSATION

The Borough Administrator shall receive such compensation as shall be prescribed by annual salary resolution or ordinance of the Borough Council. The Borough Administrator shall be reimbursed for all reasonable expenses incurred in the performance of the office. The salary of an incumbent Administrator may not be reduced without the Administrator being advised of the

reasons for the reduction and being afforded an opportunity to meet with the elected officials to respond to their concerns.

68-47 FULL TIME POSITION

The Administrator shall perform the duties hereafter enumerated and such other duties as may be assigned by the Governing Body. The Administrator's entire time and effort shall be devoted to the performance of duties and functions of the position of Administrator and the Administrator shall not engage in any other occupation or employment while employed by Middlesex Borough, except as approved by the Governing Body.

68-48 POLITICAL ACTIVITY

The Borough Administrator shall not engage in any political activity, nor shall make any financial or other contributions to any local campaign, nor lobby the elected officials on behalf of a political party or campaign. However, nothing contained herein shall be deemed to prohibit the Borough Administrator from providing recommendations to the elected officials of Middlesex Borough on issues of concern to the municipality or from appearing before any other governmental body on behalf of the Borough when authorized or directed to do so.

68-49 DUTIES AND RESPONSIBILITIES

- A. The borough Administrator shall act as the chief administrative officer of the Borough. Duties shall include the development of rule and regulations for administrative procedures governing purchasing practices, operations of all departments, personnel management and general coordination of all departments, offices, boards, and agencies of the Borough, all for the purpose of increasing the effectiveness and efficiency of the Borough government and promoting its economic operation. All rules and regulations promulgated and implemented by the Borough Administrator shall be filed with the Governing Body and shall become the Borough's organization policy unless specifically amended or rescinded by the Governing Body.
- B. The Borough Administrator shall perform the duties hereafter enumerated and such other duties as may be assigned by the Governing Body.
- C. The Borough Administrator shall report annually to the Governing Body on the progress of each department; shall initiate goals and objectives to be reviewed on an annual basis with special emphasis on critical problems and deterrents to the achievement thereof.
- D. The Borough Administrator shall be responsible for the organization and management of the work, personnel and programs in all departments, for the development and operation of a personnel program for all employees; and he/she shall be accountable for the planning, organization, delegation, staffing, operation control, evaluation and correction in all departments to achieve maximum results.

- E. The Borough Administrator is given broad authority with the approval of the Governing Body to combine or eliminate functions, to redesign and reorganize work effort and to assign personnel to achieve maximum productivity.
- F. The Borough Administrator shall make assessments of Borough programs and operations reporting to the Governing Body on his/her findings, setting forth a remediation action plan if necessary or required changes in Borough ordinances and procedures.

68-50 PERSONNEL

The Borough Administrator shall:

- A. Supervise all personnel of the Borough through the respective department heads unless otherwise provided by law or this ordinance.
- B. Advise the Governing Body on all matters of personnel administration and organization and assign personnel the performance of all duties in all departments.
- C. Study, recommend, implement and enforce personnel organization and policy of the Borough and implement personnel leave policies as established by the Governing Body for all departments, except as otherwise provided by law for Police and Fire Departments.
- D. Maintain comprehensive personnel files and evaluation systems of job performance and duties.
- E. Administer and negotiate on behalf of the Borough all labor contracts.
- F. Serve as the personnel officer of the Borough and, with the concurrence of the Mayor, have the authority to hire, evaluate, transfer, promote, discipline and/or discharge all employees to the extent not prohibited by law or provided for elsewhere in the ordinances of the Borough. In those instances where the final authority rests with the Governing Body, the Borough Administrator shall assist that agency by recommending personnel actions which are consistent with those applied to other Borough employees.
- G. Investigate the affairs of any employee, officer, department, agency or authority of the Borough when necessary or directed by the Mayor or Council and submit a report relating thereto.

68-51 BUDGET

The Borough Administrator shall:

- A. Prepare the temporary budget for presentation in accordance with the state statutes.
- B. Prepare the annual capital and operating budget to be presented to the Governing Body. In preparing these budgets, the Administrator or an officer designated by the Administrator shall obtain from the department heads, committee, board, commission, agency, officers or authority estimates of anticipated expenditures and supporting data as requested.
- C. Prepare and complete budget studies, analysis, and schedules; assist in the conduct of public, departmental, board, committee and commission budget hearings; and in conjunction with the Chief Financial Officer, shall assist the Governing Body in such manner as they shall require in the review and adoption of the annual budget.
- D. Prepare and submit to the Governing Body an explanatory budget message, including a comparison of prior year's revenues, appropriations and expenditures as well as an analysis of the proposed revenues and expenditures.

68-52 FISCAL AFFAIRS

The Borough Administrator shall:

- A. Upon the adoption of the budget, insure that current accounts of the expenditures shall be kept on a monthly basis based upon the supplemental details if the adopted budget.
- B. Administer the budget after its adoption by the Governing Body, shall maintain a continuing review and analysis of the budget operation, work progress and costs of municipal services; and shall assess the attainment of the Borough budget and service goals, reporting the same regularly to the Governing Body.
- C. See that all money owed the Borough is promptly paid, and that proper proceedings are taken for the security and collection of all Borough claims.
- D. Study, recommend, implement, and enforce the financial procedures and policy of the Borough and its departments, after consultation with department heads and approval of the Governing Body.
- E. Supervise the disbursement of all Borough funds and review all purchases, vouchers and bills before submitting same to the Governing Body for final approval.
- F. Be responsible for the cash needs of the Borough and for the conduct of a sound investment and debt management program subject to the governing board policy and report such actions and results to the Governing Body semi-annually or more frequently when directed.

68-53 COLLECTIVE BARGAINING AND EMPLOYEE CONTRACTS

The Borough Administrator shall be responsible for the negotiation of collective bargaining contracts with agencies representing Borough employees, subject to the approval of the Governing Body, and administration and enforcement of such contracts and the Personnel Policies and Procedures of the Borough.

68-54 CONTRACTS

The Borough Administrator shall:

- A. See the provisions of all franchises, leases, permits and privileges granted by the Borough are compiled and provide periodic reports of said compliance upon request.
- B. Negotiate contracts for the Borough upon request of the Governing Body and subject to the approval of the Governing Body.
- C. Attend to letting of contracts, in due form of law and supervise their performance and faithful execution except insofar as such duties are expressly imposed upon some other Borough officer or official by statute.
- D. See that all terms and conditions imposed in favor of the Borough or its inhabitants in any statute, public utility, franchise or other contract are faithfully kept and performed, and upon knowledge of any violation, call the same to the attention of the Governing Body.
- E. Advise the Governing Body if professional or other outside resources should be utilized.

68-55 GRANTS

The Borough Administrator shall be responsible for researching, initiating action for, applying for and supervising the implementation of funding grants from various sources for the improvement and development of the Borough capital projects and need as well as for services to the Borough and its residents.

68-56 ADMINISTRATION

The Borough Administrator shall:

- A. Study the governmental and administrative operations and needs of the Borough, and prepare and recommend to the Governing Body necessary and desirable plans and programs to meet present and foreseeable needs.
- B. Develop, prescribe and enforce rules and regulations for the efficient management of the Borough for the avoidance of any duplication or overlapping effort among the

departments or among the units within a department, and for the improvement of methods and procedures of administration.

- C. Integrate and coordinate the functions of all departments, Boards, Agencies, Offices and Officials, and also maintain liaison with the Board of Education. The Administrator shall be responsible for continually improving communications among the various Borough personnel, department, agencies, boards, and the Governing Body.
- D. Recommend the employment of experts and consultants to perform work and render advice in connection with the Borough projects or services.
- E. Make recommendations which may increase the efficiency of the operation of the Borough.
- F. Continually review and supervise the Borough's insurance program.
- G. Be responsible for the overall supervision and maintenance of real property owned by the Borough, except as modified through delegation by the Governing Body or ordinance to autonomous boards or commissions.
- H. Assign office space, furniture, telephone, computer and similar facilities, and other Borough resources among and within departments.

68-57 COMMUNICATION AND COMPLAINTS

The Borough Administrator shall:

- A. Study, recommend, implement and enforce procedures and policy of the Borough and its departments for receipt, dissemination and collection of responses to communications and request for information, after consultation with department heads and receive, distribute and follow up requests for information and complaints from citizens and keep the Governing Body informed of such matters.
- B. The Administrator or an officer designated by the Administrator shall investigate and dispose of such complaints and the Administrator shall keep written record of such complaints and when and what action was taken in response thereto and provide the Governing Body a copy thereof when requested to do so.

68-58 PUBLIC IMPROVEMENTS

The Borough Administrator shall make recommendations concerning the nature and location of public improvements and coordinate and expedite the execution of public improvements authorized by the Governing Body.

68-59 OTHER DUTIES

The Borough Administrator shall:

- A. Ensure that there is an up-to-date and coordinated filing system and records retention system for all Borough department, offices, boards and agencies.
- B. Represent the Borough and assert its proper interest in relation to Federal, State, County and other political subdivisions, and with respect to Borough contracts, franchises and interest.
- C. Monitor and evaluate state and federal legislation as to its impact on the Borough with recommendations for actions by the Governing Body. The Administrator must be prepared to testify on behalf of the Borough on issues affecting the community on behalf of the Governing Body.
- D. Study the Public Utilities rates and policies and evaluate same and recommend to the Governing Body an appropriate course of action.
- E. Attend all regular and work session meeting of the Governing Body, with the right to speak but not vote on agenda items, and attend other meetings as directed by the Governing Body. The Administrator shall receive notice of and may attend and participate in all regular and special meetings of the Governing Body and all advisory committees, boards, commissions, and other agencies of the Borough.
- F. Keep the Governing Body informed as to the conduct of the Borough affairs; submit periodic reports, either in writing or orally, on the condition of the Borough finances; and shall submit other reports, either in writing or orally, as deemed advisable or as the Governing Body shall request; and shall make recommendations to the Governing body necessary and advisable for the welfare and safety of the Borough.
- G. Submit to the Governing Body as soon as possible after the close of the fiscal year, a complete written report of the administrative activities of the Borough for the preceding year.
- H. Implement all policies formulated by the Governing Body unless specifically directed otherwise by a formal action of the Governing Body.
- I. Advise the Governing Body on all background matters as an aid to the creation of policy and recommend to the Governing Body adoption such measures as may be deemed necessary or expedient.
- J. Follow up acts of the Governing Body by correspondence, review of minutes and personal conferences.

68-60 PURCHASING

The Borough Administrator shall:

- A. Review, validate and recommend all bills and vouchers for payment prior final approval by the Governing Body, and shall establish procedures associated with the voucher process.
- B. Have no interest, directly or indirectly, in any contract job for work or materials or the profits thereof, to be furnished to or performed for the Borough.
- C. Require all department, boards, commissions, committees and programs to furnish annually a complete inventory of all fixed assets; and recommend the sale of any obsolete or surplus equipment, materials and supplies, and transfer to or between departments and offices and from central sores such supplies, material and equipment as need appears and arrange for the sale of surplus or obsolete items thereof.

68-61 DEROGATION OF POWERS

Nothing in this chapter shall delegate from or authorize the Borough Administrator to exercise powers of the elected officials.

68-62 SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this chapter 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 portions thereof.

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 shall take effect after passage and publication as provided by law.

Councilman Schueler made a motion for introduction of Ordinance No. 1883-15 seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

ADOPTION OF MINUTES

Councilman Greco moved to approve the September 22, 2015 Regular Meeting Minutes and Executive Session Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Madden, and Schueler. Nos: None. Abstain: Mikolajczyk.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance - Councilman Kaplan was absent.
2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco reported that the Fall Festival is this Saturday at Mt. View Park.
 - B. Councilman Greco reported on Travel Basketball and that the forms will be delivered to the schools ASAP. The deadline to register is 10/23/15. The girls will have a try out on 10/26/15 and boys on 10/28/15. There will be a \$10 nonrefundable registration fee. This will cover the fee from Ball-U-Man as they will evaluate the try outs. Each tryout will be 1.5 hours.
 - C. Councilman Greco reported that there are 264 children playing in the Soccer program, and that the games run through 11/21/15 and photo day will be held on 10/17/15.
 - D. The pool membership as of August 13, 2015 for the 2015 swim season was at 843. On Labor Day there were 685 people at the pool and Mr. Grimm mentioned that over all this season there were 5,221 guests at the pool, aqua zumba and long course brought in several new visitors/patrons to the facility. At this time the off season pool maintenance is being completed.
 - E. With regard to the swim pool project – We are working with the contractor and the DEP in order to complete the project.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Councilman Dotey reported that the Board of Health discussed the problem with the sale of tobacco to minors and is recommending that the ordinance be amended to state that it is unlawful to sell tobacco or any nicotine delivery products FDA approved excluding nicotine patches and chewing gum to a person under 21 years of age. Also, the Board of Health would like to revisit “No Smoking” in all the Borough parks. Council discussed both recommendations, but a concern was the enforcement of the ordinance and they would like to have the Board of Health research how this was done in other towns. Councilman Dotey will bring this back to the Board of Health to have them look into these amendments.
4. Public Works/Parks/Sanitation/Recycling

- A. Councilman Schueler reported on the Brine system – manufacturer training started, and the system with water etc. was all hooked up. They are replacing the park sign in Mountain View Park to be more users friendly. Lawn and Leaf bag shipment came in and they are ready for pick up by residents. The cleanup from the storm was done, and thankfully it was not more severe than anticipated, just branches.
 - B. Prior to the storm DPW did preemptive basin cleaning to prevent backups that would cause flooding. The DPW found 6 additional basins that need repair and have put them in the pipeline for getting them repaired. The DPW has ordered 200 retrofits for storm basins that prevent debris from blocking the basin.
 - C. Hot box that is used for pothole repair has been ordered and a new Garbage Truck is on the road and in service. The DPW has continued working on the path by Hazelwood School. The traffic sign replacement continues and Mountain View Park will be cleaned up before the Fall Festival.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
- A. Councilman Madden made a motion to approve the September, 2015 Municipal Court Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - B. Councilman Madden reported that the Court Administrator will be meeting with Chief Geist regarding the court security plan, which should be implemented soon.
6. Administration/Department of Senior Services/Legislation/Licensing
- A. Councilman Mikolajczyk reported that a letter has been sent to Dunellen regarding a shared service with the seniors and we are awaiting a response.
 - B. At the School Board of Education Meeting commendations for Mrs. Meyer, Mrs. Trower, Mrs. Lesniak, Mrs. Rettino, Ms. Smith, Mr. Murray and the Von Mauger Student Council for spearheading two events, Jump Rope and Hoops for Heart Health on behalf of the American Heart Association. Due to their efforts Parker raised \$1,298 and Von Mauger raised \$1,958 towards fighting heart disease and strokes.
 - C. Also, on August 4, 2015, Cat London, Vincent Inciong, Rich Aveo, and students from Middlesex High School taped a Spotlight NJ show with Della Crews for News 12 to spread the new kindness campaign, #The Right Way. Born from an anti-bullying song written by Cat London called, “The Right Way” and a collaboration with Mr. Inciong’s students from Middlesex High School, this show highlights the entire project from its inception, evolution, and plans for the future. The full video can be seen at: <https://www.youtube.com/watch?v=Qg11LWw7pg>.
 - D. Councilman Mikolajczyk reported that a resolution will be done this evening to purchase library doors with HUD funds. The canopy to be purchased with HUD

funds for the library has been put on hold for the time being. HUD funds were used to purchase signs for Daisy Park and Lincoln Park. Daisy Park will also be refurbished with a new entranceway and basketball court.

REPORTS

Mayor

1. 2016 Department of Transportation Grant – Mayor Dobies discussed reconstruction of Warrenton Road, George Avenue.
2. 2015 Mill and Overlay Project – Mayor Dobies discussed work needed to be done on George Avenue and the first block of Howard Avenue.
3. Edmunds Finance Program – The borough has been working on moving to Edmunds for the last two years and would like to approve a resolution at the next meeting. There may be a potential clause in our contract that we have to give Munidex 90 days' notice.

The Borough Clerk read the following resolution:

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

Consent Agenda 2014(ZS)

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 wish to remove Resolution #243-15 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 #232-15 – Resolution 242-15
Resolution #244-15

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Dotey, Madden, Mikolajczyk and Schueler. No: 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 #232-15

The governing body hereby increases the stipend for the Qualified Purchasing Agent to \$7500.00 per year effective January 1, 2015.

The Borough Clerk read the following resolution:

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

Resolution #233-15

The governing body hereby hires the two individuals listed below as full time employees for the Department of Public Works at \$14.36 per hour for 40 hours per week, effective October 19, 2015, pending a satisfactory background and physical.

Francisco Camarillo
12 Eighth Street
New Brunswick, NJ 08901

Mark W. Stitt
553 Lorraine Avenue
Middlesex, NJ 08846

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

The Borough Clerk read the following resolution:

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

Resolution #234-15

The governing body hereby hires the three individuals listed below as permanent part time employees for the Department of Public Works at \$12.00 per hour for 28 hours per week, effective October 19, 2015, pending a satisfactory background and physical.

Christopher J. Howard
117 Dunellen Avenue
Piscataway, NJ 08854

Eduarde Camarillo
12 Eighth Street
New Brunswick, NJ 08901

Dylan S. Wyatt
15 Dayton 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 #235-15

Accepting the resignation of Kyle Brady as a part time employee with the DPW effective September 18, 2015.

The Borough Clerk read the following resolution:

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

Resolution #236-15

The DPW hereby declares a 1995 GMC Truck, Vin. No. 4V2DCFMEYSN694894 (License No. MG-7974) surplus.

The Borough Clerk read the following resolution:

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

Resolution #237-15

The Governing Body hereby approves the transfer of \$13,500 HUD Funds from 2011 HUD Account No. CD 1119 to be used to purchase Middlesex Library Doors from C&M Door Controls, Inc., 20 Markley Street, Port Reading, New Jersey.

The Treasurer certifies that funds in the amount of \$13,500 are available in the 2011 HUD Account.

The Borough Clerk read the following resolution:

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

Resolution #238-15

The governing body hereby approves to waive the \$10.00 fee for the Swim Pool to receive a certified list of property owners for the NJDEP Flood Hazard Area Permit Application for the construction of the new filter building.

The Borough Clerk read the following resolution:

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

Resolution #239-15

The Tax Collector is hereby authorized to issue a check in the amount of \$51,075.77 to redeem tax sale certificate #2012-1806 and a check in the amount of \$20,000 for a tax sale premium on Block 289, Lot 60, 200 Mountain Avenue. The check is to be made payable to:

The Tax Collector is hereby authorized to issue a check in the amount of \$42,847.03 to redeem tax sale certificate #2013-1819 and a check in the amount of \$17,000 for a tax sale premium on Block 291, Lot 14, 120 Wood Avenue. The check is to be made payable to:

FWDSL & Associates LP
5 Cold Hill Road 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 #240-15

**RESOLUTION ESTABLISHING THE FISCAL POLICY FOR THE
APPROPRIATE LEVEL OF FUND BALANCE**

WHEREAS, it is important that government entities create fiscal policies to provide guidance in the management of fiscal operations; and

WHEREAS, in managing said fiscal operations it is essential that the Borough of Middlesex maintain adequate levels of Fund Balance to minimize current and future financial risks; and

WHEREAS, an adequate amount of Fund Balance will assist to ensure that the municipal tax rate is stabilized, that tax rates are managed over multiple fiscal years, cash flow is adequate to meet operating cost demands and funds are available for emergency response situations; and

WHEREAS, credit rating agencies monitor levels of Fund Balance in order to evaluate the Borough's creditworthiness and projected fiscal outlook; and

WHEREAS, predictability and volatility of revenues and expenditures must be considered when establishing the amount of revenue to be anticipated from Fund Balance in each budget year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Fund Balance remaining after determining an amount as anticipated budget revenue should be a minimum of one month's general revenues other than the current year anticipated amount to be raised by taxation.

BE IT FURTHER RESOLVED, that the minimum balance threshold be obtained at year-end 2015.

The Borough Clerk read the following resolution:

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

Resolution #241-15

The Tax Collector is hereby authorized to issue a check in the amount of \$109,840.06 to redeem tax sale certificate #2013-1826 and a check in the amount of \$36,000 for a tax sale premium on Block 349, Lot 8, 220 Lincoln Blvd. The check is to be made payable to:

The Tax Collector is hereby authorized to issue a check in the amount of \$30,051.09 to redeem tax sale certificate #2013-1827 and a check in the amount of \$11,000 for a tax sale premium on Block 349, Lot 10.01, 232 Lincoln Blvd. The check is to be made payable to:

FWDSL & Associates LP
5 Cold Hill Road 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 #242-15

The Tax Collector is hereby authorized to cancel and/or amend 2012 Sanitary Sewer Use Charges on block 316, lot 10, 624 Lincoln Blvd. This is a restaurant with a residential apartment above that is serviced by a separate water meter.

The 2012 incorrect billing added the two meters usage together and one bill was generated. The usage for the apartment was 225,896 gallons, which is below the 240,000 that was allowed at the time.

The previous 2012 billing was \$3,693.54. The new 2012 bill is \$2,877.75.

The Borough Clerk read the following resolution:

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

Resolution #244-15

The Mayor is hereby authorized to sign the Agreement between Property Pilot, LLC and the Borough of Middlesex which will provide the Borough with internal municipal data management and external public GIS map and e-commerce capabilities.

The Borough Clerk read the following resolution:

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

Resolution #243-15

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Memorandum of Understanding with the County of Middlesex for the provision of flood evacuation equipment and training and which will provide one (1) Flood Evacuation boat with trailer, together with miscellaneous related equipment and the training of ten (10) personnel to the FEMA Type 4 Flood Evacuation Team.

Councilman Schueler made a motion for approval pending the review of the borough attorney seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Dotey, Madden, Mikolajczyk and Schueler. No: 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 #245-15

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 Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Dotey, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Best Practices – Mayor Dobies reviewed the CY 2015/SFY2016 Best Practice Inventory Worksheet with the Council.
2. Hazelwood School Dumpster & Fence – Mayor Dobies was notified by the Zoning Officer that the Board of Education had not obtained permits for the fence in the back of Hazelwood School. Mayor Dobies met with the construction official and he had to issue a violation notice to the BOE. The Construction Official has spoken with Mr. Mulvey (BOE Director of Facilities), and he was notified that the fence is 7' high, and it is against the zoning laws. At this time we are awaiting a response to the violation notice that was issued to the school.

PUBLIC COMMENTS

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

John Mrofchak, 128 Wood Avenue questioned how streets are picked to be put on the list to be repaved with the DOT funding and Mayor Dobies indicated that the governing body should address this street, but money is not yet available and a mill and overlay will not solve this problem.

John Ellery, 701 Lincoln Boulevard indicated that he is still awaiting a response from Councilman Kaplan about sewer questions and would like the council to just rewrite the sewer ordinance. Mayor Dobies requested that Mr. Ellery give him his list of suggestions for the sewer ordinance to move forward.

Rich Malt, 309 D Street said he has spent countless evenings with Councilman Schueler, Councilman Greco and Councilman Kaplan discussing this sewer issue and was told he would get answers in 2 weeks to his questions, which he did not receive. Mayor Dobies requested

that Mr. Malt get his questions to him tomorrow and if the Committee cannot meet, he will take the place of any absent member of the committee and meet with the Association to discuss these questions.

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 #246-15

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. Chief of Police's Contract
2. Piscataway Sewer User Charges & Potential Suit
3. Part Time Salaries & Stipends
4. DPW Employee Reprimand

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Dotey, Madden, Mikolajczyk and Schueler. Nos: None. Abstain: None.

Councilman Madden moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan (absent)
	Kevin Dotey
	Stephen Greco
	John Madden
	Bob Schueler

Jack Mikolajczyk

Attorney: Aravind Aithal

The Borough Clerk read the following resolution:

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

Resolution #247-15

WHEREAS, the Governing Body met to discuss the recommendations from the Public Works Manager for the charges against DPW employee Joseph Green; and

WHEREAS, the three charges are (1) Unexcused Absence, (2) Falsifying a Record, and (3) Insubordination.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby finds that the following action be taken.

(1) Unexcused Absence – Docked a day’s pay which has already been done. No further action.

(2) Falsifying a Record – Insufficient Evidence.

(3) Insubordination – Failed to obey a direct order from his supervisor that he wouldn’t be able to take the class. A permanent written reprimand will be placed in his file with a copy provided to the employee.

The Borough Clerk read the following resolution:

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

Resolution #248-15

WHEREAS, NJSA 26:8-13 it states that if the local registrar is the municipal clerk, his/her term of office shall be concurrent with his/her term of office as clerk; and

WHEREAS, the municipal clerk is tenured in her position as municipal clerk thereby providing that the position as registrar shall remain with the clerk until the end of her employment as stated in NJSA 28:8-13; and

WHEREAS, the municipal clerk has requested that her stipend for registrar be included in her base salary as she performs the duty as Registrar during working hours.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey hereby approves that the stipend the municipal clerk receives for registrar be included in the municipal clerk's base salary for 2015.

ADJOURNMENT

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

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk