

MUNICIPAL BUILDING  
Middlesex, NJ 08846  
January 1, 2016

The 2016 Reorganization Meeting of the Mayor and Council was held at the above place on the above date at 12:00 p.m. Councilman Kaplan stated under the provisions of NJSA 10:4-6 et seq. notice of the time and place of this meeting was given by way of the Annual Meeting Notice posted in the Municipal Building, Borough Website, Borough Sign, and forwarded to the Legal Newspapers

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Father Patrick Kuffner - Invocation

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Mayor-Elect Ronald DiMura was administered the Oath of Office by Superior Court Judge Michael Cresitello

Robert Schueler and Patrick Corley were administered the Oath of Office by Superior Court Judge Michael Cresitello.

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The following responded to roll call of the 2016 Mayor and Council:

Mayor	Ronald DiMura
Council Member	Stephen Greco
	Sean Kaplan
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Mayor DiMura thanked Mayor Wahler along with former Mayor Dobies, Police Chief Geist, members of the Fire Department and all in attendance for today's Reorganization Meeting.

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### **Comments were made by Robert Schueler**

Good afternoon everyone and Happy New Year. Thank you for coming out today to participate in our reorganization meeting. There are many people that I would like to thank for helping me in my recent campaign but first there is something I have to get off my chest. I was disappointed in my opponents and their tactic of attacking the personal lives of our ticket. Over the years we have specifically avoided any mention of a candidate's personal life, but rather bringing up issues related to their service in government. These are more appropriate in discussing

issues for our town. To bring up half-truths and innuendo National Enquirer style, about a candidate is not conducive to bringing out the best in our community. As shown by the turn out in this past election, it is hard enough to get people to participate in the process. I hope future campaigns will use better judgment. Paraphrasing Forest Gump, that all I'll say about that.

Getting back to thanking people, I would like to thank my wife and extended family for putting up with my absences during the campaign; we put a lot of time and shoe leather into this. Also to my wife thanks for not complaining about the late night trip to Family Care after a less than positive interaction with a resident's canine family member. I think I won over the humans I could not get the dog to see my point of view.

I want to thank the Amy's, for getting our message out to their circle of friends and colleagues. I have valued their support. Thanks also to Bob Gorr who was always willing to lend a hand or simply provide words of encouragement.

Thanks are also needed to our Democratic organization; Betty Platten and Barbara Benson were invaluable in getting our message to as many residents as possible in a media they could relate to. Thanks to Anthony Thompson and Paul Woska for the insight and advice they provided but also for giving us a hard time to keep us grounded. There were also many other volunteers and friends, too many to name, that made this campaign a success.

Finally, a hearty thank you to my running mates and their families; until you have been in this position you don't realize how much you lean on your own family and those of your running mates. We are never in this alone. The support we garner from our families certainly allows us to venture out in the dog days of August when your shoes are literally melting on the pavement. Ron, I thank you for your guidance and support, we have done this a few times and you always keep us focused on the message and the "prime directive" doing what's best for Middlesex. As for Patrick, young man you are mature beyond your years and were easy to coach in the process and by the end, I was often as not, following your lead. Your perspective on issues gave me and the campaign a better understanding of what was important to our up and coming generation.

I want to thank everyone for their support and ensure all of our residents that we will work together with our colleagues to improve not only how Middlesex looks but also how it feels to live here.

Thank you again and have a Happy and Blessed New Year!

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**Comments were made by Councilman Patrick Corley**

I first want to thank the Mayor and Bob Schueler for teach me everything over the course of the campaign. Everything I learned from you both.

I want to thank my family for their support and also my new fiancé. Also I want to thank everyone else involved in the campaign Anthony, Paul, Betty, and Michele just to name a few. Everybody who handed out flyers and made phone calls. Thank you for volunteering and supporting us.

We have a beautiful town and I am happy to call it home and looking forward to live here for many years. To the people, the businesses the bonds we all share there is always room for improvements and that's what bring me up here today and made me decide to run for council. We're looking to do great things this year coming up. So once again, I thank everyone here today. We are going to have a great three years.

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### **Mayor DiMura's 2016 New Year Address**

*Father Pat, Superior Court Judge Cresitello, other Dignitaries, Members of the Governing Body, Borough Employees, Family, Friends and Fellow Residents of Middlesex Borough.*

First, I would like to wish everyone a healthy, happy and prosperous New Year! I would like to express my sincere appreciation to the residents of Middlesex Borough for the confidence that you have placed in me by electing me to serve our great community as your Mayor for the next four years. I am truly honored to have the opportunity to serve you.

I would like to thank my family for their love and continuing support, especially Sharon and my son (Michael) without that I would not being sitting here today, thank you.

I would like to give a special thanks to my running mates Bob Schueler and Patrick Corley for their hard work and support during the campaign. It was an honor to have run with you and I look forward to serving with you both.

I would also like to thank the entire Middlesex Borough Democratic Organization and everyone who worked on our campaign. Your hard work and tireless efforts will always be appreciated and remembered.

I want to take this opportunity to thank Mayor Ron Dobies for his service to the residents of Middlesex Borough. His dedication to our community along with his hard work has made Middlesex Borough a great place to live and raise family for more than four decades. It was truly an honor to have served with you, Mayor and I wish you and Blanche the very best.

I would like to thank all of our Borough employees for their dedicated efforts in serving the residents of our Borough; I look forward to working with you all once again.

I would like to thank the members of our Volunteer Fire Department, Rescue Squad and the Office of Emergency Management for their dedication and many hours they have spent to keep the residents of our Borough safe.

I also would like to thank the many volunteers, who contribute their time and energy in making Middlesex Borough a great place to live.

As we begin a new year, our community will continue to face many difficult challenges. We must recognize that these challenges we face create opportunities for us to take the right steps to making our community a better place to live, but only if we have the foresight and courage to do so. Our greatest risk is that we are unable to step up to meet these challenges. But, I believe that if we put our differences aside and work together there is no challenge we cannot meet and no problem we cannot solve.

Today, we begin a new era in Middlesex Borough. One that is filled with new hopes and dreams of prosperity and togetherness. One that will bring back our spirit of community. One that will move our community in a new and exciting direction. A direction that will have the residents of Middlesex Borough believing in their community and its future. A direction that will make our great community stronger and better than it has ever been before.

So this is my call to action. In the days ahead, each resident of Middlesex Borough should demand more of the governing Body and me. That is your right. But you also must ask more of yourselves. That is your responsibility.

Together, let us take these first steps toward this new era of community and meet our challenges.

My friends, I thank you for this joyful burden. May God bless this great nation, our state and the people of Middlesex Borough, Now let's get to work. Thank you.

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Councilman Schueler offered the name of Councilman Kaplan for Council President, seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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Superior Court Judge Michael Cresitello administered the Oath of Office to the 2016 Fire Officials.

### **2016 Fire Officials**

Chief	Ryan Zittel
First Asst. Chief	Andy Castaldo, Jr.
Second Asst. Chief	Darren Lubetkin

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Superior Court Judge Michael Cresitello administered the Oath of Office to the ranking officials in the four fire companies.

### Company No. 1 – Lincoln Hose

Captain	James Singer
Lieutenant	Shawn Young
Engineer	Tom Kurtz
Engineer T-25	Jeff Decker
Asst. Engineer	Brian Mattox
Honorary Assistant	
Captain	Mark Colacci

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

Approved Drivers Truck 25: Jim Singer, John Hein, Brian Mattox, Mark Rutledge, Tom Kurtz, Shawn Young, Jeff Decker, Colin McKeown

### Company No. 2 – Beechwood Heights

Captain	Brian Chomen
Lieutenant	Steve Tarbous
Engineer	Eric Chomen
Asst. Engineer	Chris Reichert

Approved Drivers Truck 22: Chris Reichert, Brian Chomen, Randy Rudnick, Robert Schneider, Sr., Darren Lubetkin, Dan DelSignore, Eric Chomen, Steve Tarbous, Jason Dudley, Rich Malt

### Company No. 3 – Pierce

Captain	Ken Bartok
Lieutenant	Chris Dubois
Engineer 23	Chad Heulitt
Asst. Engineer	Stephen Bird

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

### Company No. 4 - Parker

Captain	Ed Winters, Jr.
Lieutenant	John Pazar
Engineer 24	Bob Poltorak
Asst. Engineer	Mike Lane

Approved Drivers Truck 24 and 18: Robert Poltorak, Andy Castaldo, Jr., Ryan Zittel, Jake Kyryczenko, Ed Winters, Jr., Kevin Mott, Robert Pollara, Nick Goldman, Joe Dudley, Rich Reedy, Jr., Mike Lane, John Pazar

Approved Drivers for 18 only: Bob Soper, Jackie Giardino, Roger Talavera, Al Kriney, John Hommas, Andy Klein

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**MAYOR'S APPOINTMENTS FOR 2016 THAT REQUIRE NO CONFIRMATION**

**PLANNING BOARD**

Paul Woska	4-year	12/31/19
Michele Tackach (Term of Mayor)	4-year	12/31/19
Robert Schueler (Class III)	1-year	12/31/16
James Green (Class II)	1-year	12/31/16
Frank Ryan (Class IV)	4-year	12/31/18

**RECREATION COMMISSION**

Kevin Dotey	5-year	12/31/20
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**BEAUTIFICATION COMMITTEE**

Sherley Penrose	1-year	12/31/16
Pam Teitelbaum	1-year	12/31/16
John Yaniero	1-year	12/31/16
Nancy Avery	1-year	12/31/16
Pat Repenn	1-year	12/31/16

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**MAYOR'S APPOINTMENTS FOR 2016 THAT REQUIRE CONFIRMATION**

**BOARD OF HEALTH**

Ceil Slauson	4-year	12/31/19
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**LIBRARY BOARD**

Susen Edwards	5-year	12/31/20
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**SWIM POOL COMMISSION**

Mark Kranz	5-year	12/31/20
Bud Crede (Term of Mayor)	4-year	12/31/19

**BOROUGH PHYSICIAN**

Dr. Zafir Shaheen	1-year	12/31/16
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**LEGAL NEWSPAPERS**

Courier-News	1-year	12/31/16
Star Ledger	1-year	12/31/16
Home News Tribune	1-year	12/31/16

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**APPOINTMENTS BY COUNCIL FOR 2016 NOT REQUIRING MAYOR CONFIRMATION**

**BOARD OF ADJUSTMENT**

Jeff First	4-year	12/31/18
John Segarra (Alt. 1)	2-year	12/31/17

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**2016 Councilmanic Committees**

- A. Administration, Legislation, and Department of Senior Services  
Stephen Greco\*, John Mikolajczyk, and Patrick Corley
- B. Fire, Office of Emergency Management, Board of Health and Rescue Squad  
Sean Kaplan\*, Patrick Corley and John Mikolajczyk
- C. Finance, Taxation, Real Estate, Insurance and Public Utilities  
Robert Schueler\*, Sean Kaplan, and Stephen Greco
- D. Police, Municipal Court, Zoning, Legal, Code Enforcement and Construction  
John Mikolajczyk\*, John Madden and Sean Kaplan
- E. Public Works, Recycling and Building and Grounds  
Patrick Corley\*, Bob Schueler and Stephen Greco
- F. Recreation, Recreation Fields, Swim Pool Commission and Community Celebrations  
John Madden\*, John Mikolajczyk, and Robert Schueler

\*Underscore represents Council Liaison for each Committee

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**Mayor's Council Liaison Appointments for 2016**

Board of Education

Councilman Greco

Board of Health	Councilman Kaplan
County SWAC	Councilman Kaplan
County Transportation	Councilman Schueler
Housing & Community Development	Councilman Madden
OEM	Councilman Kaplan
Planning Board	Councilman Schueler
Recreation Commission	Councilman Madden
Safety Board	Councilman Mikolajczyk
Shade Tree Commission	Councilman Madden
Swim Pool Commission	Councilman Madden
Fire	Councilman Kaplan
Police	Councilman Mikolajczyk
Zoning/Code Enforcement	Councilman Mikolajczyk
Recreation	Councilman Madden
Public Works	Councilman Corley
Finance	Councilman Schueler
Administration	Councilman Greco
Construction	Councilman Mikolajczyk
Rescue Squad	Councilman Kaplan
Senior Services	Councilman Greco
Buildings & Grounds	Councilman Corley
IT	Councilman Kaplan
Municipal Court	Councilman Mikolajczyk
Recycling	Councilman Corley

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The Borough Clerk read the following resolution:

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

**RESOLUTION #1-16**

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

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint Aravind Aithal, Esq. of the firm of Bob Smith & Associates having offices located at 216-B1 Stelton Road, Piscataway, NJ 08854 as the Attorney for the Borough of Middlesex for the period of January 1, 2016 to December 31, 2016 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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

1. Aravind Aithal, Esq. of the firm of Bob Smith & Associates, having his office located at 216-B1 Stelton Road, Piscataway, New Jersey is hereby appointed as the Attorney for the Borough of Middlesex for the period of January 1, 2016 through December 31, 2016 at a salary set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Greco moved for adoption, seconded by Councilman Madden and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

Attorney Aithal was administered the Oath of Office by Superior Court Judge Michael Cresitello.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #2-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS BOROUGH PROSECUTOR TO JEREMY SOLOMON, ESQ. FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint Jeremy Solomon of the firm Bob Smith Associates, 216-B1 Stelton Rd., Piscataway, NJ as the Borough Prosecutor for the Borough of Middlesex for the period from January 1, 2016 to December 31, 2016; and

**WHEREAS**, Timothy Arch will be considered as a substitute for Jeremy Solomon when Mr. Solomon is not available.

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

1. Jeremy Solomon of the firm Bob Smith Associates whose office is located at 216-B1 Stelton Rd., Piscataway, New Jersey is hereby appointed as the Municipal Prosecutor for the Borough of Middlesex and substituting for Mr. Solomon when he is not available will be Timothy Arch for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Madden moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #3-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LABOR ATTORNEY TO LISA FITTIPALDI OF THE FIRM DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C. FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint Lisa Fittipaldi of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., whose office are located at 15 Mountain Boulevard, Warren, NJ 07059 as the Labor Attorney for the Borough of Middlesex for the period from January 1, 2016 to December 31, 2016;

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

1. Lisa Fittipaldi of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., having his office located at 15 Mountain Boulevard, Warren, New Jersey is hereby appointed as the

Labor Attorney for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a salary set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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

Councilman Schueler moved for adoption, seconded by Councilman Mikolajczyk and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #4-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES AS SPECIAL ENVIRONMENTAL COUNSEL TO THE FIRM HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint the firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP whose office is located at 40 Paterson Street, New Brunswick, NJ 08901 as the firm to represent the Borough in connection with certain law suits instituted against the Borough pertaining to environmental issues.

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

1. The Borough of Middlesex hereby retains the firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP to represent the Borough in connection with various environmental matters, which may arise during the course of the year as designated by the Governing Body and to continue representing the Borough in connection with litigation matters which are presently pending for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #5-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
ENGINEERING  
SERVICES TO TERENCE VOGT OF THE FIRM REMINGTON, VERNICK &  
VENA FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint Terence Vogt of the firm of Remington, Vernick & Vena for the Borough of Middlesex for the period from January 1, 2016 to December 31, 2016.

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

1. Terence Vogt of the firm of Remington, Vernick & Vena whose office is located at 3 Jocama Boulevard, Old Bridge, NJ 08857 is hereby appointed as Engineer for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Schueler moved for adoption, seconded by Council President Kaplan and carried by the following roll call vote. Ayes: Kaplan, Corley, Schueler, DiMura. No: Greco, Madden, and Mikolajczyk. Abstain: None.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #6-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
AUDITING  
SERVICES TO THE FIRM OF HODULIK & MORRISON, P.A. FOR THE YEAR  
2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint the firm of Hodulik & Morrison, P.A. whose office is located at 1102 Raritan Avenue, Highland Park, NJ 08904 as the Auditors for the Borough of Middlesex for the period from January 1, 2016 to December 31, 2016.

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

1. Hodulik & Morrison, P.A. whose office is located at 11-2 Raritan Avenue, Highland Park, NJ 08904, is hereby appointed as the Auditors for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Greco moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #7-15**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR "BOND COUNSEL" SERVICES AS BOROUGH "BOND COUNSEL" TO WILENTZ, GOLDMAN & SPITZER, P.A. FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wished to retain the service of Anthony J. Pannella of the firm Wilentz, Goldman & Spitzer, P.A. for the Borough of Middlesex for the year 2016; and

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

1. Anthony J. Pannella of the firm Wilentz, Goldman & Spitzer, P.A. is hereby appointed as "Bond Counsel" for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Councilman Mikolajczyk and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**RESOLUTION #8-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SERVICES AS BOROUGH "LICENSED SEWAGE COLLECTION SYSTEM OPERATOR" TO JEROME F. SHEEHAN OF THE FIRM OF JFS SERVICES LLC FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wish to retain the services of Jerome F. Sheehan of the firm JFS Services LLC as Licensed Sewage Collection System Operator for the Borough of Middlesex as the for the year 2016; and

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

1. Jerome F. Sheehan of the firm JFS Services LLC is hereby appointed as "Licensed Sewage Collection System Operator" for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Madden moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #9-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE BOROUGH TO NAJARIAN ASSOCIATES FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint the firm of Najarian Associates for the Borough of Middlesex for “Environmental Engineering Services” for the period from January 1, 2016 to December 31, 2016; and

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

1. The firm of Najarian Associates whose office is located at One Industrial Way West, Eatontown, NJ is hereby appointed for Environmental Engineering Services for the Borough of Middlesex for the period from January 1, 2015 through December 31, 2015 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk’s Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Greco moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #10-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
BOROUGH PLANNER SERVICES FOR THE BOROUGH TO  
RICCIPLANNING, INC FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wish to retain the services of the firm of RicciPlanning as Borough Planner for the Borough of Middlesex for the year 2016; and

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

1. The firm of RicciPlanning is hereby appointed as “Borough Planner” for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk’s Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Council President Kaplan moved for adoption, seconded by Councilman Madden and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #11-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
“REDEVELOPMENT PLANNER” TO RICCIPLANNING FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wish to retain the services of the firm of RicciPlanning as Redevelopment Planner for the Borough of Middlesex for the year 2016; and

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

1. The firm of RicciPlanning is hereby appointed as “Redevelopment Planner” for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk’s Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Kaplan moved for adoption, seconded by Councilman Madden and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #12-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL  
SERVICES AS REDEVELOPMENT COUNSEL TO THE FIRM HOAGLAND,  
LONGO, MORAN, DUNST & DOUKAS, LLP FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint the firm Hoagland, Longo, Moran, Dunst & Doukas, LLP, whose office are located at 40 Paterson Street, New Brunswick, NJ 08901 as the Redevelopment Attorney for the Borough of Middlesex for the period from January 1, 2016 to December 31, 2016;



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

1. The firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP, having his office located at 40 Paterson Street, New Brunswick, NJ 08901 is hereby appointed as the Redevelopment Attorney for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a salary set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Greco moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #13-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SERVICES AS BOROUGH "TAX APPEAL ATTORNEY" TO MARTIN ALLEN OF THE FIRM OF DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C. FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wished to retain the services of Martin Allen of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., having his office located at 15 Mountain Boulevard, Warren, NJ 07059 as Tax Appeal Attorney for the Borough of Middlesex for the year 2016; and

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

1. Martin Allen, of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., is hereby appointed as "Tax Appeal Attorney" for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Councilman Madden moved for adoption, seconded by Councilman Greco and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #14-16**

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

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint Marco M. Benucci, LLC, 1130 South Route 202 – Suite A-7, Raritan, NJ as the Borough Public Defender for the Borough of Middlesex for the year 2016.

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

1. Marco M. Benucci, LLC whose office is located at 1130 South Route 202 – Suite A-7, Raritan, NJ is hereby appointed as the Borough Public Defender for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Council President Kaplan moved for adoption, seconded by Councilman Schueler and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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The Borough Clerk read the following resolution:

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

**RESOLUTION #15-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR "APPRAISAL SERVICES" TO STERLING DISANTO & ASSOCIATES, LLC FOR THE YEAR 2016**

**WHEREAS**, the Governing Body of the Borough of Middlesex wish to retain the services of the firm of Sterling DiSanto & Associates, LLC, 145 West

End Avenue, Somerville, NJ for "Appraisal Services" for the Borough of Middlesex for the year 2016; and

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

1. The firm of Sterling DiSanto & Associates, LLC is hereby appointed for "Appraisal Services" for the Borough of Middlesex for the period from January 1, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Council President Kaplan moved for adoption, seconded by Councilman Mikolajczyk and carried by the following roll call vote. Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None

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Mayor DiMura opened the public portion of the Meeting. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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

Respectfully yours,

Kathleen Anello  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
JANUARY 26, 2016**

**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	Ron DiMura
Council President	Sean Kaplan (absent)
	Stephen Greco (absent)
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

Mayor DiMura thanked all the people that helped with the snowstorm which included our Police Department, Fire Department, OEM, Rescue Squad and DPW. The DPW worked 36 straight hours to keep our roads clear, and without them we wouldn't have gotten through the storm.

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**APPOINTMENTS**

The Borough Clerk read the following resolution:

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

**Resolution #16-16**

**WHEREAS**, Michael J. Sharkey has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Michael J. Sharkey be appointed to the position of Probationary Patrolman effective January 27, 2016 at an annual salary of \$51,339.00.

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

1. Michael J. Sharkey is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective January 27, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

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

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The Borough Clerk read the following resolution:

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

**Resolution #17-16**

**WHEREAS**, Paul M. Muldowney has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Paul M. Muldowney be appointed to the position of Probationary Patrolman effective January 27, 2016 at an annual salary of \$51,339.00.

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

1. Paul M. Muldowney is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective January 27, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

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

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Police Chief Geist congratulated and welcomed the two new officers on their appointment to the Middlesex Police Department and thanked the Mayor and Council for their continued support of the Police Department .

Mayor DiMura appointed Terry Ledger and Betty Platten to the Housing and Community Development Committee, Emily DeScenza to the Library Board as the Mayor's Representative and Helene DiDonato-Gathier to the Swim Pool Commission as the Mayor's Representative. He also appointed Councilman Corley as his Designee to the Middlesex Transportation

Coordinating Committee and Councilman Schueler as the Alternate Designee to this Committee.

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**PROCLAMATIONS-NONE**

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**PRESENTATIONS-NONE**

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**PUBLIC HEARING-NONE**

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**NEW BUSINESS - NONE**

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**ADOPTION OF MINUTES**

Councilman Schueler made a motion to table the approval of the December 22, 2015 Regular Meeting Minutes and Executive Session Meeting Minutes and the January 1, 2016 Special Meeting Minutes and Executive Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Mikolajczyk and Schueler. Nos: None. Abstain: None.

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**REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance
  - A. Councilman Schueler reported that the budget documents have been distributed to all council members. The Committee is coordinating a Finance Committee meeting for next Saturday to work on the budget.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Madden reported that the reorganization Meetings have been held for the Recreation Commission on January 11, 2016 and the Swim Pool Commission on January 21, 2016. Also, the building permit was received on January 19, 2016 and the DEP Permit verifying the flood hazard area design flood elevation for the community pool upgrade project for phase II.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Mayor DiMura reported that the Board of Health request to amend Chapter 383 of the Borough Code to change the smoking age to 21 will be tabled and Councilman Kaplan will discuss at the February 9, 2016 Regular Meeting.
4. Public Works/Parks/Sanitation/Recycling
  - A. Councilman Corley commended the DPW for their hard work done during the storm and the great job that was done.
5. Police/Legal/Code Enforcement/Construction/Municipal Court

- A. Councilman Mikolajczyk moved the approval of the December, 2015 Police Department Report, December, 2015 Construction Report and the 2015 Annual Construction Report seconded Madden and carried by a unanimous vote of Council.
  - B. Councilman Mikolajczyk reported that the Building Inspector had requested to change his hours, as the hours for his full time job had changed. Council approved the change in his work hours.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent

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## REPORTS

### Mayor

1. Sewer Ordinance Update – Mayor DiMura met with the business group regarding the Sewer Ordinance before the holidays and discussed their concerns about this issue. Mayor DiMura has been meeting with our professionals to prepare a plan of what is needed to be done to fix the sewer system and the funds involved. Mayor DiMura should have numbers by the end of the week and will bring this information to the February 9, 2016 Regular Meeting to discuss and move forward with a proposed amendment to the sewer ordinance. Mayor DiMura intends to meet with the business association prior to the February 9, 2016 Regular Meeting to discuss with them.
2. Schedule Budget Meeting – Mayor DiMura scheduled a budget meeting for February 6 from 9am – 2pm with the entire council. They will then have the opportunity to speak with every department head on an individual basis. Mayor DiMura's goal is to introduce the budget at the February 23, 2016 Regular Meeting. Councilman Schueler requested that if council has any questions prior to this meeting regarding the budget to please contact him.

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The Borough Clerk read the following resolution:

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

### **Consent Agenda 2016(B)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #27-16, Resolution #28-16 and Resolution #29-16 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 #18-16 – Resolution #26-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #18-16**

**WHEREAS**, an application has been filed for a Place to Place Transfer of Plenary Retail Package License #1211-44-005-002, issued to Rikjo Liquors Inc. for premises heretofore located at 708 Union Avenue, Middlesex, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

**NOW, THEREFORE BE IT RESOLVED** that the Middlesex Borough Governing Body does hereby approve, effective March 1, 2016, the Place to Place Transfer of the aforesaid Plenary Retail Package Licensed premises, from its former location at 708 Union Avenue, Middlesex, New Jersey to its new location at 1323 Bound Brook Road, Middlesex, New Jersey, and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 1323 Bound Brook Road, Middlesex, New Jersey".

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The Borough Clerk read the following resolution:

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

**Resolution #19-16**

**RESOLUTION APPOINTING JOHN MADDEN AS THE MAYOR'S REPRESENTATIVE AND  
VIC CAPOLUNGI AS THE GOVERNING BODY REPRESENTATIVE TO THE HOUSING  
AND COMMUNITY DEVELOPMENT COMMITTEE FOR 2016**

**WHEREAS**, it is necessary for the Borough of Middlesex to appoint a representative to the Middlesex County Housing & Community Development for the year 2016; and

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

**WHEREAS**, the Mayor has appointed John Madden as his Class I representative to the Housing and Community Development Committee for 2016; and



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

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

1. The Mayor hereby appoints John Madden as the Class I representative and the Governing Body hereby appoints Vic Capolunghi as its representative to the Middlesex County Housing & Community Development Committee for the year 2016.
2. The Borough Clerk is hereby authorized and directed to send a letter to the Housing & Community Development Committee advising the Committee of names, addresses and telephone numbers of the two people who will be serving as representatives for the Borough of Middlesex to the Housing & Community Development Committee for 2015.
3. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #20-16**

The By-Laws as have been previously adopted are to remain in full force to govern the 2016 Governing Body or until further action is taken.

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The Borough Clerk read the following resolution:

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

**Resolution #21-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$40,859.46 to redeem tax sale certificate #2009-1734, Block 301, Lot 35, 529 Cook Avenue. The check is to be made payable to:

Sequoia Investments  
PO Box 5600  
Woodbridge, NJ 07095

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The Borough Clerk read the following resolution:

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

**Resolution #22-16**

The Tax Collector is authorized to transfer the 2015 taxes paid on the following mother property to the newly assigned individual property and to cancel the taxes on the mother property:

<b>FROM</b>	<b>TO</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
314/35	314/35/C002	606 Voorhees Ave	\$2,367.98

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The Borough Clerk read the following resolution:

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

**Resolution #23-16**

The Governing Body hereby agrees to surplus and scrap (1) 2001 Savin Digital 2055DP copier w/20binsort/stapler, Serial No. H4715601031. The machine no longer functions and parts are no longer available for repairs.

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The Borough Clerk read the following resolution:

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

**Resolution #24-16**

The Mayor and Council hereby accept Charles Sebastian Jr.'s retirement effective February 1, 2016 and agreed to reimburse him the amount of \$11,301.60 for the following benefits.

28 Unused Vacation Days	\$ 7,445.76
14.5 Unused Sick Days	\$ 3,855.84
TOTAL	\$ 11,301.60

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The Borough Clerk read the following resolution:

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

**Resolution #25-16**

The Mayor and Council hereby approve the payment of \$5,839.68 to the Estate of Robert Kosior for his unused 2016 Vacation time.

21 Unused Vacation Days	\$ 5,839.68
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The Borough Clerk read the following resolution:

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

**Resolution #26-16**

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow accounts:

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
86.04/14	Michael Salvatore 7 Douglass Lane	\$ 702.13	680060522

including interest to date of refund.

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The Borough Clerk read the following resolution:

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

**Resolution #27-16**

**RESOLUTION AUTHORIZING STATE CONTRACT  
PURCHASE OF BARRACUDA ENERGIZE UPDATES FOR BACKUP UNITS FOR THE  
POLICE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Energize Updates for backup units for the Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of Barracuda Energize Updates is \$3,862.32; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Energize Updates is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$3,862.32 are available in Account No. 01-2010-20-1401-062.

Councilman Madden a motion to table Resolution #27-16 seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #28-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF  
BARRACUDA INSTANT REPLACEMENT FOR THE POLICE DEPARTMENT BACKUP  
SYSTEM**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Instant Replacement for the Police Department backup system 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**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of the Barracuda Instant Replacement is \$4,702.32; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Instant Replacement is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$4,702.32 are available in Account No. 01-2010-20-1401-062.

Councilman Madden a motion to table Resolution #28-16 seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #29-16**

**RESOLUTION OF THE BOROUGH OF MIDDLESEX DESIGNATING MIDDLESEX FUND, I, LLC AS CONDITIONAL REDEVELOPER OF REAL PROPERTY LOCATED AT 220 LINCOLN BOULEVARD (BLOCK 349, LOT 8) AND 232 LINCOLN BOULEVARD (BLOCK 349, LOT 10.01)**

**WHEREAS**, the Borough of Middlesex ("Borough") has been promoting the redevelopment of certain real property identified as 220 Lincoln Boulevard, Block 349, Lot 8, and 232 Lincoln Boulevard, Block 349, Lot 10.01, as shown on the Borough's tax map (the "Property"); and

**WHEREAS**, the record owner of the Property is Naval Crest Associates, LLC (the "Property Owner"); and

**WHEREAS**, Middlesex Fund I, LLC ("Middlesex Fund") has proposed to redevelop the Property by finding a new tenant for the existing Pathmark located on the Property and by making improvements to said Property pursuant to a plan to be mutually acceptable to Middlesex Fund, Property Owner, and the Borough; and

**WHEREAS**, Middlesex Fund has entered into an agreement with the Property Owner wherein Middlesex Fund shall have the exclusive right to secure any and all approvals for the redevelopment of the Property; and

**WHEREAS**, said proposal has been reviewed and found to be consistent with the goals of the Borough for redevelopment of the Property; and

**WHEREAS**, the Borough wishes to designate Middlesex Fund as the Conditional Redeveloper of the Property, subject to execution of a redevelopment agreement which is acceptable to the Borough within 90 days of the date hereof; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, that Middlesex Fund I, LLC is hereby designated the Conditional Redeveloper of the Property, subject to execution of a redevelopment agreement acceptable to the Agency within 90 days of the date hereof and subject to Middlesex Fund establishing an escrow account for the redevelopment project; and

**IT IS FURTHER RESOLVED**, that none of the approvals or designation contained in this Resolution shall become effective until such time as the aforementioned redevelopment agreement is fully executed by the Borough of Middlesex and Middlesex Fund, I, LLC.

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

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The Borough Clerk read the following resolution:

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

**Resolution #30-16**

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 Madden and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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## PUBLIC COMMENTS

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

Frank Ryan, 303 Maple Street stated that over the past weekend the DPW did a good job with the snow plowing. Mr. Ryan also made the following recommendations to the governing body: (1) Have the governing body reevaluate opening the Recycling Center at 6 AM; (2) Reinforce putting garbage in cans, so that we can eliminate twice a week pickup; (3) Use manpower that works on twice a week pickup in other areas, particularly the ballfields; (4) Look at the chips dumped in a circle next to the exit driveway of the building; and look into who makes these decisions; (5) Look at the garbage that is being left outside of rental properties and hold the landlords accountable; and (6) Try to keep taxes down. Mr. Ryan also stated that "if Mayor DiMura puts in as much work as Mayor as he did with the Victor Crowell Park Committee, I know you will do a good job".

Mayor DiMura indicated that the Code Enforcer will prepare an ordinance to present to her liaison regarding garbage left at rental properties.

Patrick O'Connell, 728 Voorhees Avenue spoke regarding the roofing job that was started at the end of the summer for the Board of Education. He works for a vendor for GAF Roofers and there is now a program for solar from PSE&G and GAF and they will put free roofs on buildings. He feels that Mauger and the High School are possible candidates for this program and would like to hold a meeting with someone to discuss this program. Mayor DiMura indicated that he would discuss this matter with Mr. O'Connell.

Steve Mavrianos, Mountainview Diner congratulated Mayor DiMura on being sworn in as mayor. Mr. Mavrianos was upset that he has gotten three separate sewer bills in the last three months and the fees that he was being charged. He said that he is paying four times the amount on his bills. Mr. Mavrianos also questioned why we owe so much money to Piscataway. Mayor DiMura indicated that the flow costs for sewer is roughly 1.6 million dollars yearly. Part of the bill (\$600,000) is from Piscataway, of which \$300,000 of that bill is a surcharge that they charge us to use their system. Mayor DiMura stated that is why we are putting a plan together to upgrade our system, put a pump station across the tracks and break away from Piscataway. Mayor DiMura indicated that his goal is to simplify the process, make it fair and move on from

that point. Mayor DiMura stated that he would meet with Mr. Mavrianos to discuss his sewer bills with him.

Richard Malt, 309 D Street sent a letter to the borough to dispute the sewer bill for Pumping Services and he has not yet received a response. Mayor DiMura said that he and the Tax Collector have gone over these bills and he should hear from them shortly.

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### **AGENDA WORKSHOP ITEMS**

1. An Ordinance establishing and Adding Chapter 104, Public Parks and Fields Committee – Mayor DiMura indicated that this Committee will deal with all the parks and fields in the borough and they will come up with items and suggestions for the governing body to approve. The Council discussed the 5 year appointment terms for this committee, and Mayor DiMura is recommending this term to provide stability on the committee. Council approved introducing this ordinance at the next meeting.
2. Economic Development Committee – Mayor DiMura will be appointing members to this advisory committee which would include 5 business owners and 4 residents who will be looking to get input from the business owners and residents to promote our community and to also get input regarding what type of development and businesses are needed in the borough. The mayor hopes to work hand in hand with the community and form a partnership with the residents. Mayor DiMura is recommending a 5 year appointment term. Councilman Madden would like to see this committee look into a buy local ordinance, similar to what is done in Hillsborough. This ordinance will be introduced at the February 9, 2016 Meeting.
3. Liaison Responsibilities – Mayor DiMura mentioned that the liaison is a go between with the governing body and department head. The liaison is required to bring back information from the department head for discussion. Mayor DiMura will require the liaison's approval before any financial requests are forwarded to the finance committee for review and approval. This will streamline the process, and keep the liaison informed so that they are able to explain any requests that are made by the departments that they are responsible for.

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### **PUBLIC COMMENTS ON AGENDA WORKSHOP ITEMS**

Mayor DiMura opened the Public Portion of the meeting for any comments on the Agenda Workshop items.

Rich Malt questioned if the borough already had a buy local ordinance. Mayor DiMura indicated that Councilman Madden is speaking about a program that is administered by a third party

where each resident gets a credit card and every business accepts this card and entitles this business to get a credit on their taxes.

Frank Ryan, 303 Maple Avenue questioned the park committee and qualifications of members and how it will function. Mayor DiMura feels that the members on the committee need to have knowledge of parks and fields and will have access to bring in a professional for input. They will make recommendations to the governing body of what to do with our parks. Mayor DiMura would like to hear input from our committee to improve our community.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting on Agenda workshop items.

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk



**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
FEBRUARY 6, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of February 1, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted on the Middlesex Borough Website and at the Municipal Building.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Mayor and Council met with the following Department Heads and/or President of Commission/Board Chairs to review and discuss their 2016 budget.

1. Police Department
2. DPW
3. Fire & IT
4. Recreation
5. Library
6. Board of Health

The Mayor thanked the Finance Committee for their work on the budget. Mayor DiMura stated that the Borough expects to introduce the 2016 budget at the Regular Meeting of March 9, 2016.

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**PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing there was public participation, the Mayor closed the public portion of the meeting.

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
FEBRUARY 9, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**PRESENTATIONS-NONE**

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**PUBLIC HEARING-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1885-16 by title for introduction.

**BOROUGH OF MIDDLESEX**

**ORDINANCE NO. 1885-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY  
OF MIDDLESEX, NEW JERSEY, TO ESTABLISH AND ADD CHAPTER 104,**

**PUBLIC PARKS AND FIELDS COMMITTEE**

**WHEREAS**, Article V, § 6-27 permits the Mayor to establish such other committees as may be necessary in the interests of the Borough;

**WHEREAS**, the Governing Body of the Borough upon due consideration believes it to be in the best interests of the residents of the Borough to preserve, manage and upkeep its public parks and fields;

**NOW, THEREFORE**, an Advisory Committee shall be formed to advise and inform the Governing Body of the Borough of the status and conditions of its public parks and fields;

§ 104-1 Advisory Committee.

The Committee shall be comprised of seven members who must be residents of the Borough, appointed for 5 year terms by the Mayor and a council liaison, all who shall serve without compensation. The members shall choose from its members one individual to serve as Chairman and another to serve as Secretary, who shall both serve for a period of one year or the first calendar meeting of any year, whichever shall occur first.

§ 104-2 Duties.

The Committee shall inventory all public parks and fields within the Borough and shall, from time to time, make visual inspections of such parks and fields to determine the condition thereof. On an annual basis, but no later than the last scheduled meeting of any calendar year, the Committee shall prepare a report of the condition of all public parks and fields and a recommendation to the Governing Body what actions and improvements to undertake upon such parks and fields which may benefit or be for the public good. The Governing Body may, but is not bound to act upon any such recommendations. The Governing Body may, from time to time, ask the Committee to undertake specific actions or inquiry concerning any or all public parks and fields.

This Ordinance shall take effect upon final adoption and publication as required by law.

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

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The Borough Clerk read Ordinance No. 1886-16 by title for introduction.

**BOROUGH OF MIDDLESEX**

**ORDINANCE NO. 1886-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY  
OF MIDDLESEX, NEW JERSEY, CHAPTER 26,  
ECONOMIC DEVELOPMENT COMMITTEE**

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

Subsection 26-2 shall be amended as follows:

- A. The Committee so created shall consist of four citizen members and five business owner representatives of the Borough.
- B. The Mayor, or his/her designee, who shall be a member of Council (nonvoting) shall be annually designed at the Reorganization Meeting of the Borough by the Borough Council or as soon thereafter as practical.

Subsection 26-5 shall be amended as follows:

A majority of the members (five of nine) shall constitute a quorum of the Committee.

This ordinance shall take effect upon final adoption and publication as required by law.

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

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**ADOPTION OF MINUTES**

Councilman Kaplan made a motion to approve the December 22, 2015 Regular Meeting Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: Corley.

Councilman Schueler made a motion to approve the January 1, 2016 Reorganization Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: None.

Councilman Mikolajczyk made a motion to approve the January 26, 2016 Regular Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: Greco & Kaplan.

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**REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance

- A. Councilman Schueler acknowledged the people that came out for the budget meeting on Saturday. Councilman Schueler reported that progress was made and

we are moving forward. The Finance Committee will now be meeting to make the appropriate cuts. The Committee anticipates introducing the budget at the February 23, 2016 Regular Meeting.

- B. Councilman Schueler attended the Planning Board Meeting and they have asked him to bring back to the Council the issue about applications that come before the Board where they are looking to improve locations that do not have curb and gutters along the four sides. They would like to know if the council has any recommendations to give the Planning Board about opportunities in the form of contributions to a fund to finance future curb and gutters. Attorney Aithal indicated that the governing body can advise the planning board and zoning board that when these applications are brought before the board that they may need a “Developer’s Agreement”. This will be sent to the Administrative Committee to review for changes to the ordinance and return to the council by the March 8 meeting.
- C. Councilman Schueler reported that in the last Planning Board meeting it was discussed that there was a potential permit application for housing in a flood hazard area. The location of this potential permit application is at the corner of Raritan Avenue and Lincoln Boulevard, where the borough has already had 7 – 8 homes demolished. The Borough Attorney indicated that if this request is located within the Borough, approval of the Planning Board or Zoning Board will be needed. The Attorney recommended that the Council wait until an application is filed with the Planning Board and then the Council can direct Attorney Aithal to appear on behalf of the governing body to object to this application, if that is there recommendation.

## 2. Recreation/Recreation Fields/Water & Light

- A. Councilman Madden reported that the Recreation Director informed him that the “Buddy Ball” cheerleaders will be cheering tomorrow at half time at the Middlesex High School Basketball Game.

## 3. Fire/OEM/Board of Health/Rescue Squad/Flood

- A. Councilman Kaplan reported that the Board of Health has requested that Chapter 383 of the Borough Code be amended to prohibit tobacco sales to minors and require proof of age. Council discussed the impact of this change and Mayor DiMura recommended that the Board of Health look into some type of educational program to start educating the children at an early age that smoking is bad and work along with the schools about the harm it causes. A consensus of council was taken to have the Board of Health look into educational programs, rather than amend the ordinance.

- B. Councilman Kaplan reported that the borough has purchased a new blackberry server and once the new phones are distributed, the old server will be decommissioned, making our technology up to date.
  - C. Councilman Kaplan made a motion to approve Bob Soper as a qualified driver of Truck 24 seconded by Councilman Madden and carried by a unanimous vote of Council.
  - D. Councilman Kaplan made a motion to approve Andy Castaldo, Jr., Barbara Benson, Tony Sasso, Vic Capolunghi, Jim Rinker, Jim Green, Dave Bird, Mike Macher and Lee Poandl as qualified drivers of FP1, FP2 and FP3 seconded by Councilman Mikolajczyk and carried by a unanimous vote of Council.
4. Public Works/Parks/Sanitation/Recycling
- A. Councilman Corley tabled approval of the January, 2016 DPW Report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
- A. Councilman Mikolajczyk reported that they held a councilmatic meeting with the Police Chief to discuss plans for the next year. Also, Councilman Mikolajczyk will be meeting with the Code Enforcer/Zoning Officer soon.
6. Administration/Department of Senior Services/Legislation/Licensing
- A. Councilman Greco reported that the Dog & Cat Licensing can now be downloaded from the website and apply online. For the 2017 licensing term we are expecting to be able to pay online. Many of the licensees have expressed interest but there will have to be a \$1-\$2 convenience fee to cover the cost. In the next few months all licensing forms will have the option to fill in online.
  - B. Councilman Greco indicated that the last of the Borough's minutes are being scanned. In the near future, the Clerk will have all Borough's minutes and ordinances available on the Borough's website.
  - C. Councilman Greco reported that on January 11 there was a great presentation from the Director of Curriculum and all principals on the PARCC tests, the results and the next steps.
  - D. Elks Youth Week – Begins March 7 and includes: 3/8 - shadow Council, 3/22 - Run the Council Meeting, 3/23 – shadow administrators and Borough Staff, 3/23 Elks Luncheon at noon – Middlesex Elks Club
  - E. Councilman Greco stated that tomorrow is the Valentine's Day Dance for the Senior Citizens with DJ Mel at 11:30, which includes a boxed lunches from Boulevard Deli.

- F. Councilman Greco reported that Income Tax Preparation sponsored by AARP and VITA began on 2/2 thru 4/14, on Tuesdays and Thursdays. An appointment is required, so please call 732-356-0414 and remember you must bring your social security card.

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## REPORTS

### Mayor

1. Ethics Board – Mayor DiMura would like to re-establish this board, as when an ethics complaint is sent to the state it takes a long time to act on it. Attorney Aithal was informed today that the ethics complaint against the former mayor has been dropped by the Board. Attorney Aithal spoke to Finance Board about the necessary steps to recreate the board and there are no set guidelines or set rules for this board. The Local Finance Board indicated that a letter should be sent to them and request what steps are needed to re-establish this board, as they may require the Borough to readopt the ordinance that forms the board. Attorney will address the Finance Board regarding this matter. Mayor DiMura also asked the governing body to send any prospective members to the Mayor.
2. Special Sewer Meeting – Mayor DiMura has scheduled a Special Sewer Meeting for February 18, 2016 at 7pm to discuss the sewer ordinance and financial/improvement plan.
3. Social Media Specialist – Mayor DiMura indicated that the borough needs to improve how we communicate with our residents on facebook, twitter and the website and would like to hire a firm to deal with social media. Mayor DiMura referred this matter to the Administration Committee to review and report back to the council at the March 22, 2016 Regular Meeting
4. Mountainview Park Improvements – In 2013 council discussed a 3 phase project to improve Mountainview Park that has sat dormant. Mayor DiMura gave Council estimates for these improvements and is looking for permission from the Council to reach out to the freeholders to see if we can get a grant, and also if we can do test pits to see if a turf field is feasible in Mountainview Park. Also, we will need a commitment from the Board of Education. The cost of the testing of the pits would be approximately \$3,000 - \$5,000 with the DPW doing the work. Councilman Mikolajczyk's concern was whether there were any potential environmental issues and that even with a matching grant the cost of the project should be substantive. He is in favor of having the sewer issue resolved first. Mayor DiMura indicated that we need to see if it is feasible to put a turf field in the park, but also he is in favor of resolving the sewer issue first. Councilman Schueler made a motion to move forward with the testing of the pits for approximately



\$3,000 - \$5,000 dollars and approach the freeholders for a grant seconded by Councilman Greco and carried by a unanimous vote of council.

5. Business Administrator – Mayor DiMura mentioned that the council has received all applications for Business Administrator and would like council to send their top 3 candidates to the Borough Clerk by February 23, so that interviews can be scheduled.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(B)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #33-16 and Resolution #37-16 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 #27-16 – Resolution #28-16  
Resolution #31-16 – Resolution #32-16  
Resolution #34-16 – Resolution #36-16  
Resolution #38-16 – Resolution #39-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #27-16**

**RESOLUTION AUTHORIZING STATE CONTRACT  
PURCHASE OF BARRACUDA ENERGIZE UPDATES FOR BACKUP UNITS FOR THE  
POLICE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Energize Updates for backup units for the Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of Barracuda Energize Updates is \$3,862.32; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Energize Updates is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$3,862.32 are available in Account No. 01-2010-20-1401-062.

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The Borough Clerk read the following resolution:

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

**Resolution #28-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF  
BARRACUDA INSTANT REPLACEMENT FOR THE POLICE DEPARTMENT BACKUP  
SYSTEM**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Instant Replacement for the Police Department backup system 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**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of the Barracuda Instant Replacement is \$4,702.32; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Instant Replacement is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$4,702.32 are available in Account No. 01-2010-20-1401-062.

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The Borough Clerk read the following resolution:

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

**Resolution #31-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$399,388.85 to redeem tax sale certificate #2015-1842 and tax sale premium in the amount of \$600,000, Block 5, Lot 12, Warrentville Road. The check is to be made payable to:

US Bank c/f Tower DBW V 2015-1  
50 South 16<sup>th</sup> Street – Suite 2050  
Philadelphia, PA 19102

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The Borough Clerk read the following resolution:

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

**Resolution #32-16**

The Mayor and Council hereby accept Angelo Rossi's retirement as Plumbing Inspector effective December 31, 2015.

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The Borough Clerk read the following resolution:

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

**Resolution #34-16**

At the recommendation of the DPW Supervisor, the governing body hereby approves Ron Safar as driver in the DPW effective February 10, 2016 at an hourly rate of \$34.76/hour. .

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The Borough Clerk read the following resolution:

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

**Resolution #35-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$10,208.44 to redeem tax sale certificate #2015-1846 and tax sale premium in the amount of \$18,100, Block 187, Lot 15, 329 Harris Avenue. The check is to be made payable to:

US Bank Cust for BV001 Trust  
50 South 16<sup>th</sup> Street – Suite 2050  
Philadelphia, PA 19102

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The Borough Clerk read the following resolution:

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

**Resolution #36-16**

The Tax Collector is hereby authorized to refund 1<sup>st</sup> quarter 2016 taxes in the amount of \$940.93 and cancel 2<sup>nd</sup> quarter 2016 taxes in the amount of \$940.93 on block 52, lot 23, 307 Second Street. The homeowner has been declared a 100% disabled veteran by the Division of Veterans Affairs. The check is to be made payable to:

Wells Fargo Real Estate Tax Services  
Attn: Financial Support  
1 Home Campus  
MAC F2302-035  
Des Moines, IA 50328

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The Borough Clerk read the following resolution:

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

**Resolution #38-16**

The application for a 2016 Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

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

**TOTAL            \$2600.00**

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The Borough Clerk read the following resolution:

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

**Resolution #39-16**

The Construction Office is hereby authorized to waive the permit fees for Our Lady of Mt. Virgin Church for the replacement of all exterior doors at 600 Harris Avenue.

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The Borough Clerk read the following resolution:

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

**Resolution #33-16**

**WHEREAS**, Chapter 254 of the Code of the Borough of Middlesex created the position of Private Property Maintenance Landscaping in the Borough of Middlesex; and

**WHEREAS**, the Zoning Officer has requested Basic Landscaping Services from any person who wishes to engage in business as a landscaper in the borough and to provide landscaping maintenance on private property in the borough; and

**WHEREAS**, the following two applicants have met all the qualifications for this position:

Mario's Landscaping, LLC  
Amalio Armenti  
174 Mountain Avenue  
Warren, NJ 07059

Superior Lawn Maintenance &  
Landscaping  
Stephen P. Kwiecien  
P.O. Box 7  
Martinsville, NJ 08836

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

1. The Governing Body hereby approves the above two applicants, as recommended by the Zoning Officer, to provide basic landscaping services on private property in the borough.
2. This resolution shall take effect immediately.

Councilman Madden stated that the insurance cards for Superior Lawn Maintenance & Landscaping submitted with their application have expired and the Zoning Officer must be sure to have them supply a current policy.

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

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The Borough Clerk read the following resolution:

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

**Resolution #37-16**

The application for renewal of Junkyard Licenses for the year 2016 filed by Importico Salvage Corp., Absolute Auto-truck Salvage and Falgi, Inc. has been approved by the Police Department, Fire Official and Board of Health be accepted and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

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

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The Borough Clerk read the following resolution:

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

**Resolution #40-16**

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

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**PUBLIC COMMENTS**

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

Ann Marie Zenone, 357 Union Avenue mentioned that she sent two e-mails to the mayor and did not receive a response until her second request on February 3. She was representing the residents on her street and she has lived on Union Avenue for 17 years and gone through three snow blowers because of the plowing that is done by the DOT and the garbage, snow and gravel that gets plowed onto her sidewalks. She got 40 inches of snow on her sidewalk and did hire a landscaper, but she had to wait until they came. On Monday afternoon she got a knock on her door from the Police Department and they said that they needed to enforce that the front sidewalks are cleaned and they handed her a paper to say that she could be issued a summons

if they were not cleared by Tuesday morning. She is upset and wants to work with the council to change the time period in the ordinance and increase it to 48 hours to clear the sidewalk. Ms. Zenone also stated that she would like it posted on the website if additional time is given to clear the sidewalks.

Mayor DiMura apologized to Ms. Zenone, but indicated that he did call, but did not leave a message. He stated that when Ms. Zenone reached out the second time, he responded but was told that she was going to come to the meeting. Mayor DiMura indicated that it is the responsibility of the homeowner to keep their sidewalks clean. The Mayor understood that this was an overwhelming storm, but the storm ended Saturday at midnight and although the Police came on midday on Monday to hand out warnings we also gave Wednesday and all day Thursday before any summons were issued. Mayor DiMura indicated that he understands Ms. Zenone's feelings, but there is a safety issue. Ms. Zenone indicated that she received a warning, but not a summons, as her sidewalk was cleaned by midday on Tuesday.

June Nielson, 363 Union Avenue is also concerned that she couldn't remove the snow because she is disabled and only saw 2 people walking on the sidewalk for the bus stop. She also questioned why the DPW shoveled the corners.

Mayor DiMura indicated the DPW does the corners because it is a safety issue for sight triangle. Ms. Zenone wanted the Council to consider changing the amount of time to clean up the snow to 48 hours. The Mayor indicated that this matter would be put on the next Agenda for discussion.

Tom Harrity, 107 Ramsey Road as President of the Board of Health discussed raising the age for the purchase of tobacco. He stated that fifteen municipalities have raised the age to sell cigarettes to age 21. He feels that if we were to adopt an ordinance we would be at the forefront of a movement to do this. In 2015 the NIH said that 90% of children smoking by the age of 21 have started earlier and children are now smoking in the middle schools. He also mentioned that CVS released their earnings report and stopping the sale of tobacco had no impact, as the 18 – 21 year olds only account for 2% of the total business. Mr. Harrity feels the Board of Health will not appreciate when Councilman Kaplan brings this information back, as the reason the Board of Health is interested in doing this amendment to the ordinance is to look out for the health of our children.

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## **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Extending Police Clerk – Police Chief's Administrative Assistant has had surgery and is requesting to take an additional 6 weeks off, due to complications. Council approved extending the current temporary clerk an additional 8 weeks to cover for the Administrative Assistant.
2. Swim Pool Bond Payment – Councilman Madden and Mayor DiMura met with the Swim Pool Commission regarding their concern about making the annual payment on the debt service for their project. They were under the impression that the debt service payment

was payable over 15 – 20 years, and the adopted bond has a 10 year payout. There is a current scheduled annual payment of approximately \$130,000 per year from the debt service. Options were discussed for this payout and a majority of council approved Option #1 which is a payment was \$78,528/year with a 20 year payout (annual reduction of \$52,709.77). The auditor confirmed that there is not a problem by changing the payment over a longer period of time. There was a consensus to put a resolution on the next meeting.

3. Safe Routes to School – RBA Group – Mayor DiMura mentioned that for this grant the DOT requires the borough to select a designer, who is not the engineer. The DOT provided 4 prequalified engineering firms to design the project and the borough engineer recommended the RBA Group, as they are familiar with NJ and the Safe Routes process. This will require a resolution of council, and all cost associated with this designer will be taken out of the grant funds. Consensus of council was to appoint the RBA Group by resolution at the next meeting.
4. Victor Crowell Park – Dam Repair Study was discussed. This historic architectural study proposal required by the NJDEP to issue wetlands permitting has never been authorized and has been around since Hurricane Irene. There are funds available to do what is needed and the cost to do this work is \$3,600 which will come from FEMA. A Consensus of Council was taken to approve this proposal at the February 23, 2016 Regular Meeting.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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### **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



**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
FEBRUARY 18, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of February 1, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted on the Middlesex Borough Website and at the Municipal Building.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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Mayor's Comments:

In the late part of 2013, the Borough of Middlesex enforced amendments made to the existing sewer ordinance in an effort to find a fair and equitable way to pay for the maintenance and improvement of our sewer system.

Unfortunately, those changes were not properly communicated and administered causing an overwhelming outcry from our business community. As a result, there have been many meetings and discussions about how to deal with our community's needs when it comes to addressing this issue over the past two years without any solutions. Tonight, I am presenting a solution that I believe will give us a fair and equitable mechanism to pay for the maintenance and improvement of our sewer system.

Our system consists of hundreds of miles of underground pipes that are more than 100 years old and need to be improved. Those pipes carry wastewater from homes and businesses to treatment plants that are controlled by the Middlesex County Utilities Authority (MCUA). We have a section of our community that we pump our wastewater through Piscataway to the treatment plants controlled by the MCUA. We are forced to do so because we do not have our own pump station to pump that wastewater to the county directly and we pay a hefty cost for this service. In addition to the pipes, the Borough has a pumping station on Bound Brook Road and two lift stations on Louis Avenue and Green Brook Road. Our Department of Public Works needs to monitor and maintain all our equipment so they are ready to clear blockages, repair breaks and other emergencies. They also monitor and maintain our pump station and lift stations which are filled with complex and often very hardworking mechanical equipment, which

is a very expensive task. Each year, the fees the Borough pays to the MCUA and Piscataway Township to take our sewage away and treat it increase with much of the fees based upon how much water is being put into the system.

After a review of our entire sewer system, it has been established that our sewer system is in need of improvements that are estimated to cost the Borough almost \$11 million. These improvements include; Re-lining a majority of the system to reduce infiltration; the removal and replacement of sewer mains throughout the Borough making the system more efficient; the construction of a new pump station and force main on South Avenue, so we are no longer dependent on Piscataway Township; and the rehabilitation of our two lift stations once again making the system more efficient. Now, how do we fund the needed improvements and maintenance?

I believe the previous way of paying for the sewer system was fundamentally unfair to the average homeowner. One of the goals of the proposed Sewer Ordinance Amendments is to make the funding of the sewer system and the needed improvements evenhanded for all residents and property owners in the Borough. Under the proposed amendments, those who generate more wastewater, sometimes considerably more wastewater will pay a fairer and more in the long run. Attached is my proposal. (See attachments)

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Mayor DiMura asked each council member if they had any comments. All of the council agreed that this proposal under Option 1 is a good start. Councilman Mikolajczyk noted that he would like to see some of the numbers and explore financing option to get out of Piscataway as soon as possible. Mayor DiMura stated that we would have a separate meeting to explain how to fund it with our engineer.

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## **PUBLIC COMMENTS**

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

The following business owners/residents had comments/concerns regarding the amendments to the sewer ordinance.

Richard Malt, 309 D Street, 201 Lincoln Blvd.

Mike Lombardi, 551 Bound Brook Road

John Ellery, 701 Lincoln Blvd.

Bryan Stock, 200 Blackford Avenue

John Mravchak, 128 Wood Avenue

Jim Gustafson, 528 Bound Brook Road

Todd Maino, 212 Lincoln Blvd.

Debra DeVuyst, 73 Ramsey Road

Warren Orlando, 221 Beechwood Avenue.

Rich Sowden, 107 Egel Avenue

Below is a summary of the concerns made to the Mayor and Council regarding the amendment to the sewer ordinance.

(1) Good start, but not fair. Should not have to start at "0" if you go over 160,000 gallons allotted. This means that if you go over the 160,000 gallons you pay not on the overage but pay on the whole amount. Needs to be fair and equitable fee for all (residents & business). Should only be charged for the overuse.

(2) Borough should create a "Utility" which would cost us nothing. Also, there should be a separate line item for sewers. This would allow us to know where every dollar goes.

(3) How much did the owners of 150 Lincoln Blvd. pay to hookup to the sewer? We charge minimum \$800.00. Willing to pay right amount for the hookup.

(4) 17 businesses are taking on the cost of the sewer ordinance amendment. Why is Middlesex the only town not charging a sewer fee.

(5) How many square miles is residential and how many businesses. We're going to spend more money to fix infrastructure for the residents while businesses pick up the tab.

(6) Piscataway and South Plainfield have flat fees.

(7) First time anything is on paper and it's a good start. Nobody understands the ad valorem tax. A recommendation was made to have accountant do an ad valorem tax rate for previous year. Put line item on tax bill stating "This is your ad valorem tax for sewer."

(8) Piscataway was charging 3 times more than the MCUA charges us. \$175,000-\$200,000 of \$300,000 goes to Piscataway.

(9) Watchung Terrace is a non-profit organization within a big corporation. They aren't paying user fees for 86 units.

(10) When filling out a certificate of occupancy it was suggested on the bottom of form put info on sewer dept. We can then gather data.

(11) Are we considering a fee for residents?

Seeing there was no more public participation, the Mayor closed the public portion of the meeting.

Mayor responded that he is not in favor of a flat tax nor is he in favor of forming a utility. It will only circumvent the 2% cap in budget. Taxpayers won't save money in taxes and homeowners

can't take it off taxes. Right now it's part of their mortgage. Mayor DiMura stated that he will notify the business owners two weeks before the introduction of the amended sewer ordinance.

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### **ADJOURNMENT**

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

## **PROPOSED SEWER AMENDMENTS**

- 1. Middlesex Borough Slip Lining Summary - This estimate is based on the slip lining projects identified by our sewer department. The estimated cost of the project is \$3.7 Million.**
  
- 2. Middlesex Borough Removal and Replacement of Sewer Mains - This estimate is based on roads identified by our sewer department. The estimated cost for this project is \$1.8 Million.**
  
- 3. Middlesex South Avenue Pump Station - Construction of a new pump station and force main on South Avenue in order to eliminate the interconnection with the Township of Piscataway. The estimated cost for this project is \$4.3 Million.**
  
- 4. Middlesex Rehabilitation of two Pump Stations - The removal and replacement of the Louis Avenue and Green Brook Road Lift Stations. The NJDEP identified these stations in need of emergency backup and bypass connections. The stations are more than 30 years old. The estimated cost for this project is \$1.1 Million.**

**Total Estimates: \$10.9 Million**

**Estimated Annual Sewer Costs**

**Including Flow, O&E, Maintenance and Improvements**

**Option#1**

<b>MCUA Flow Fees</b>	<b>\$1,300,000</b>
<b>Piscataway Fees</b>	<b>\$300,000</b>
<b>Annual Operation and Expenses</b>	<b>\$150,000</b>
<b>Estimated Maintenance and Improvements</b>	<b>\$1,000,000</b>
<b>Total:</b>	<b>\$2,750,000</b>

**Option#2**

<b>MCUA Flow Fees</b>	<b>\$1,300,000</b>
<b>Piscataway Fees</b>	<b>\$300,000</b>
<b>Annual Operation and Expenses</b>	<b>\$150,000</b>
<b>Estimated Maintenance and Improvements</b>	<b>\$750,000</b>
<b>Total:</b>	<b>\$2,500,000</b>

**Option#3**

<b>MCUA Flow Fees</b>	<b>\$1,300,000</b>
<b>Piscataway Fees</b>	<b>\$300,000</b>
<b>Annual Operation and Expenses</b>	<b>\$150,000</b>
<b>Estimated Maintenance and Improvements</b>	<b>\$500,000</b>
<b>Total:</b>	<b>\$2,250,000</b>

**Highlights of the Proposed Amendments**

to the Sewer Ordinance

**Connection Fees:**

Use	Old	New
Single Family Residential	\$400.00	\$1000.00
Multi-Family Residential	\$400.00	\$1000.00/unit
Commercial	\$800.00	\$3000.00
Industrial	\$1000.00	\$5000.00

**Sewer Use Charge**

Any user which discharges more than 40,000 gallons of domestic sanitary waste water per quarter will be charged as follows:

Tier	Gallons/ Quarter	Rate Per Gallon (100's)
I	1 - 40,000	N/A
II	40,001 -125,000	0.401 (from 1 <sup>st</sup> gallon of use)
m	125,001 - 250,000	0.435 (from 1 <sup>st</sup> gallon of use)
IV	250,000 + (max. amount of 11,250,000)	0.475 (from 1 <sup>st</sup> gallon of use)

In addition to the prevailing MCUA rates applicable

All users shall receive a credit for the charges which are included in their ad valorem taxes.

## Appeals Process

- A. To a panel of the Borough of Middlesex made up of the Borough Engineer or the Borough's Engineering Consultant, a Representative of the Department of Public Works, appointed by the Mayor, a Resident of the Borough appointed by the Mayor, a Business Owner, appointed by the Mayor, where such business is located in the Borough of Middlesex and the Mayor or his/her designee.
- B. Said appeal shall be in writing, and shall include, in sufficient detail, the relief sought and the evidence, information or documents to support the relief sought. Relief shall be granted if a minimum of four (4) members of the panel agree upon such relief. The decision of the panel shall be final and binding.
- C. All appeals must be filed within ninety (90) days of dispatch of such billing or charge sought to be appealed.
- D. No appeal shall be considered by the panel, and an appeal shall not be considered as filed, unless payment of the entire sewer bill, including any disputed amounts, is made and received by the Borough in full.
- E. Any disputed amounts successfully appealed shall be applied as credit to future sewer bills.

**The user charges shall be due and payable semiannually on April 1 and October 1 of each year. Unless actual flows are provided by user, sewer user charges for the current year shall be based upon the water consumption for the immediately preceding year.**



**Middlesex Borough's Taxable Values**

<b><u>Residential and Vacant Land:</u></b>	<b>\$395,876,100</b>	<b>79.9%</b>
<b><u>Commercial, Industrial &amp; Apartments:</u></b>	<b>\$99,537,000</b>	<b>20.1%</b>
<b><u>Total Tax Value:</u></b>	<b>\$495,413,100</b>	<b>100%</b>

**Sewer Revenues Needed Annually**

Approximate Annual Revenues from sewer surcharge:	\$1,000,000
Additional Revenues generated through taxation:	\$1,750,000 (option#1)
	\$1,500,000 (option#2)
	\$1,225,000 (option#3)

**Annual Revenue Breakdown**

**Approximate Revenue from Sewer Surcharge**

<b><u>Residential and Vacant Land:</u></b>	<b>\$93,000</b>
<b><u>Commercial, Industrial &amp; Apartments:</u></b>	<b>\$907,000</b>
<b>Total:</b>	<b>\$1,000,000</b>

**Approximate Revenue from Taxation**

<b><u>Residential and Vacant Land:</u></b>	<b>\$1,398,250</b>
<b><u>Commercial, Industrial &amp; Apartments:</u></b>	<b>\$351,750</b>
<b>Total:</b>	<b>\$1,750,000</b>

<b><u>Total Revenue from Residential and Vacant Land:</u></b>	<b>\$1,491,250</b>	<b>54%</b>
<b><u>Total Revenue from Commercial, Industrial &amp; Apartments:</u></b>	<b>\$1,258,750</b>	<b>46%</b>

**Approximate Flow Percentages**

<b><u>Residential and Vacant Land:</u></b>	<b>63%</b>
<b><u>Commercial, Industrial &amp; Apartments:</u></b>	<b>37%</b>

Examples

<b>User</b>	<b>2015</b>	<b>Projected 2016</b>	<b>Decrease</b>
<b>Bar &amp; Rest.</b>	<b>\$2674.44</b>	<b>\$1755.02</b>	<b>35% decrease</b>
<b>Restaurant #1</b>	<b>\$3079.82</b>	<b>\$2026.32</b>	<b>34% decrease</b>
<b>Restaurant#2</b>	<b>\$5727.70</b>	<b>\$3962.80</b>	<b>30% decrease</b>
<b>Cleaners</b>	<b>\$5362.06</b>	<b>\$4528.38</b>	<b>30% decrease</b>
<b>Industrial</b>	<b>\$3299.69</b>	<b>\$2566.39</b>	<b>22% decrease</b>
<b>Industrial</b>	<b>\$1483.32</b>	<b>\$1183.96</b>	<b>20% decrease</b>
<b>Auto Repair Shop</b>	<b>\$1457.50</b>	<b>\$1118.45</b>	<b>23% decrease</b>

**The majority of the users in Tiers 2 & 3 will see a decrease in 2016.**

**&**

**The majority of the users in Tier 4 will see an increase in 2016.**

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
FEBRUARY 23, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikołajczyk

Attorney: Aravind Aithal

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**APPOINTMENTS**

Councilman Greco moved the appointment of Mike Jones as Second Alternate to the Zoning Board seconded by Councilman Madden and carried by a unanimous vote of Council.

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**PROCLAMATIONS-NONE**

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**PRESENTATIONS-NONE**

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**PUBLIC HEARING**

The Borough Clerk read Ordinance No. 1885-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX  
ORDINANCE NO. 1885-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY  
OF MIDDLESEX, NEW JERSEY, TO ESTABLISH AND ADD CHAPTER 104,**

**PUBLIC PARKS AND FIELDS COMMITTEE**

**WHEREAS**, Article V, § 6-27 permits the Mayor to establish such other committees as may be necessary in the interests of the Borough;

**WHEREAS**, the Governing Body of the Borough upon due consideration believes it to be in the best interests of the residents of the Borough to preserve, manage and upkeep its public parks and fields;

**NOW, THEREFORE**, an Advisory Committee shall be formed to advise and inform the Governing Body of the Borough of the status and conditions of its public parks and fields;

§ 104-1 Advisory Committee.

The Committee shall be comprised of seven members who must be residents of the Borough, appointed for 5 year terms by the Mayor and a council liaison, all who shall serve without compensation. The members shall choose from its member's one individual to serve as Chairman and another to serve as Secretary, who shall both serve for a period of one year or the first calendar meeting of any year, whichever shall occur first.

§ 104-2 Duties.

The Committee shall inventory all public parks and fields within the Borough and shall, from time to time, make visual inspections of such parks and fields to determine the condition thereof. On an annual basis, but no later than the last scheduled meeting of any calendar year, the Committee shall prepare a report of the condition of all public parks and fields and a recommendation to the Governing Body what actions and improvements to undertake upon such parks and fields which may benefit or be for the public good. The Governing Body may, but is not bound to act upon any such recommendations. The Governing Body may, from time to time, ask the Committee to undertake specific actions or inquiry concerning any or all public parks and fields.

This Ordinance shall take effect upon final adoption and publication as required by law.

Mayor DiMura opened the public hearing on Ordinance No. 1885-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing on Ordinance No. 1885-16.

Council President Kaplan a motion for adoption seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1885-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX**

**ORDINANCE NO. 1886-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 26, ECONOMIC DEVELOPMENT COMMITTEE**

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

Subsection 26-2 shall be amended as follows:

- A. The Committee so created shall consist of four citizen members and five business owner representatives of the Borough.
- B. The Mayor, or his/her designee, who shall be a member of Council (nonvoting) shall be annually designed at the Reorganization Meeting of the Borough by the Borough Council or as soon thereafter as practical.

Subsection 26-5 shall be amended as follows:

A majority of the members (five of nine) shall constitute a quorum of the Committee.

This ordinance shall take effect upon final adoption and publication as required by law.

Mayor DiMura opened the public hearing on Ordinance No. 1886-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing on Ordinance No. 1886-16.

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

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**NEW BUSINESS-NONE**

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**ADOPTION OF MINUTES**

Councilman Greco made a motion to approve the February 6, 2016 Special Meeting Minutes and the February 9, 2016 Regular Meeting Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: None.

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**REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance

- A. Councilman Schueler made a motion to approve the January, 2016 Treasurer's Report seconded by Councilman Greco and carried by a unanimous vote of Council.
- B. Councilman Schueler attended the Planning Board Meeting and they discussed the LED lights which are located at the Polish Nails, Mini Mart and Tarot Card Readers on Union Avenue. The Board discussed the brightness of these LED lights and is looking for council's direction. Mayor DiMura stated that the board should make a recommendation to council and they will review and considering amending the required ordinances.

2. Recreation/Recreation Fields/Water & Light

- A. Councilman Madden reported that the Recreation Commission is hosting the Easter Egg Hunt on March 19 2016 at 3PM at Mountainview Park.
- B. Councilman Madden also reported that on March 26, 2016 there will be a 3 on 3 Basketball Tournament at the High School to help fund a trip to Cooperstown Dreams Park in August for Ages 12 and under.
- C. Councilman Madden reported on the HUD Committee that met on February 4 and discussed the 2016 HUD Grant. The borough will once again receive \$48,921. As in the past the Committee agreed to fund a portion of the Director of Senior and Disabled Service's Salary, The Senior Van driver's salary, a portion of Code Enforcement, and the Nutritional program. They have also agreed to get 6 benches and 10 garbage pails for Mountain Avenue and Bound Brook Road, and a Pole Barn (Prefab Shed) for Senior Vehicles to be placed behind borough hall.
- D. Councilman Madden reported that he attended the ribbon cutting ceremony this morning for the new Edward Jones Investments on 121 Union Avenue. They have scheduled their grand opening for April 15 and everyone is welcome. For information, please contact Jeanette Ash at 732-271-1323.

3. Fire/OEM/Board of Health/Rescue Squad/Flood

- A. Councilman Kaplan brought back the request the Board of Health brought before council at the last meeting amending Chapter 383 of the Borough Code amending raising the age for selling tobacco and nicotine delivery products in Middlesex Borough to 21.

Councilman Kaplan discussed the following talking points that were brought to his attention from Tom Harrity, the President of the Board of Health

1. Both houses of NJ legislature have passed a bill raising the age to 21.
2. 15 municipalities in NJ have raised the age to 21.
3. In NJ 14.3 % of youth age 12 to 18 smoke
4. 90% of adult smokers started before the age of 21
5. Raising the age to 21 will limit the social network of 12 to 18 yrs. olds to tobacco product purchasers.
6. Evidence from Needham Mass. experience demonstrated a 50% reduction in High School smokers after 3 years once the age was raised. This was not observed in towns in Mass. that did not raise the purchase age.
7. Nationally only 2% of tobacco sales are to individuals under 21. It is predicted that in NJ this will have minimal impact on small local businesses.

CVS, which stopped selling nicotine products (including cigarettes) last year actually showed a profit in the last quarter of 2015- indicating that other overall sales are minimally impacted

Mayor DiMura read statistics from a study done in Needham, Massachusetts and that their thinking is that smoking among young people is not powered by illegal sales — but by legal sales to older youth who share cigarettes with younger teens. Raising access to age 21 puts legal purchasers outside the social circle of most high school students, according to this study. Mayor DiMura was in favor of this amendment, as long as they have an educational program in place for the younger children. Councilman Kaplan stated that they want to put a program together to visit the schools and the Board of Health Inspector will hand out flyers to each business. The County will be the enforcement mechanism for this ordinance. A consensus of council was taken and a majority of members were in favor of moving forward with the ordinance. Mayor DiMura will have Councilman Kaplan bring this ordinance back to the Board of Health and have them add education programs to the ordinance.

- A. Councilman Kaplan stated that the Board of Health was interested in amending Chapter 343-8 to Prohibit Smoking in Public Parks and Recreational Areas. This amendment was discussed and the concern of Council was that since it would ban smoking entirely at the public parks, they may want to discuss possibly designating a “smoking” area to smoke in the parks. Councilman Kaplan will take this ordinance back to the Board of Health to consider designating a certain area to smoke and bring back their recommendation to council.
- B. Councilman Kaplan stated that a resolution for the Parker Firehouse Coin Toss will be put on the March 8, 2016 Regular Meeting.
- C. Councilman Kaplan reported that the Rescue Squad Lease ends in August, 2016. Attorney Johnson said that the Lease has not changed in 25 years and he does not see a need to make any changes. The Borough Attorney does not feel that any further changes are required. Councilman Mikolajczyk will get any questions he said

that he had to the Mayor before the next meeting. A resolution will be put on the March 8, 2016 Regular Meeting.

D. Councilman Kaplan discussed all the recent training classes that have been offered to the Fire Department for the borough firemen.

#### 4. Public Works/Parks/Sanitation/Recycling

A. Councilman Corley reported on the following for the DPW:

1) Installation of approx. 100 retrofits to the front of storm basins to stop leaves and debris from entering basins.

2) DPW had a 27' snow storm event at the end of Jan. and we did not have any major breakdowns and spent the following 2 weeks after the storm doing clean up, removing large piles of snow from street corners, at the Rescue Squad, fire houses, and Borough parking lots and trying to remediate any and all unsafe conditions throughout the Borough.

3) DPW did cleaning of basin tops to remove snow and debris to allow melting snow and rain water to drain properly.

4) DPW road dept. used approx. 25 tons of road salt between road salting and brine making and spreading.

5) As of Feb. 3, 2016 Bulk pick up has begun again, as a reminder they are done "by appointment only" and only 1 (one) per household. They will end the last Wed. in Oct. which is Oct.26, 2016 Bulk pickups are done on Weds. Only!

6) Also as of the end of Jan. the Recycle center will no longer be accepting E waste / TV's, computers, monitors, or any type of electronics until further notice.

7) DPW have started out this season with our new Hot Box for filling potholes, this piece of equipment will keep the product warm allowing us to fill potholes more effectively.

#### 5. Police/Legal/Code Enforcement/Construction/Municipal Court

A. Councilman Mikolajczyk moved the approval of the 2015 Annual Construction Report seconded by Councilman Madden and carried by a unanimous vote of Council.

B. Councilman Mikolajczyk met with the Zoning Official and talked through some issues in the department. They have a plan to streamline what they do and the proper flow. Communication will go a long way.

C. Councilman Mikolajczyk reported that there are several resolutions this evening for the Police Department which include retirements, and advancements.

#### 6. Administration/Department of Senior Services/Legislation/Licensing



- A. Councilman Greco reported that we are no longer updating 26 codification books. The Clerk's Office will keep 5 books. These books will be available only in the municipal building and will not be permitted to be taken out. Access to our codification books is on our website and has been there for many years. The reason for no longer keeping all these books is that it has become cost prohibitive. The Borough Clerk will look into the cost of codifying more than twice a year.
- B. Councilman Greco noted that at the Board of Education Meeting it was reported that the windows at Hazelwood School will be coming in on March 21.
- C. Councilman Greco reported that the Website project is moving along – we will be reaching out to our Councilmanic Committee to review potential vendors and set up the interview process.

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## REPORTS

### Mayor

- 1. Superfoods Marketplace – Mayor DiMura stated that the Superfoods has opened and is a good addition to our borough. The grand opening is scheduled for February 27 at 11 AM.
- 2. Landfill – Mayor DiMura indicated that last week he met with the Army Corp. Department of Energy and the DEP regarding the landfill. The federal testing has been completed on the landfill. We will not be receiving any results from the DEP report for 3 – 5 years. Because of that delay, everything regarding the landfill is on hold until we get the report. In regard to the fee that is paid to the DEP every year, we have our environmental engineer and environmental attorney in the process of looking for potential reimbursement money.
- 3. Police Pickup Truck to DPW – The Police Department will be turning over their pickup truck to the DPW.

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The Borough Clerk read the following resolution:

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

### **Consent Agenda 2016(C)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #48-16 and #49-16 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 #41-16 – Resolution #47-16  
Resolution #50-16 – Resolution #51-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #41-16**

The Mayor and Council hereby accept Sergeant Jeffery Bevan's retirement effective March 1, 2016 and authorize the Treasurer to pay Sergeant Bevan his full allowance of \$ 68,570.55 in accordance with his PBA Contract in the next regular borough payroll of March 4, 2016. The benefits include the following:

32 Unused Vacation Days	\$ 13,818.88
466.5 Hours Compensation Time	\$ 25,181.67
3 months Terminal Leave	\$ 28,070.00
Uniform Allowance	\$ 1,500.00
<b>TOTAL</b>	<b>\$ 68,570.55</b>

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The Borough Clerk read the following resolution:

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

**Resolution #42-16**

The following items have been approved by the Housing and Community Development Committee to be submitted to the Middlesex County Housing & Community Development for approval for the use of the 2016 Grant Funds:

Senior Coordinator Salary	\$11,075
Senior Van Driver	\$7,500

Code Enforcement	\$7,500
Nutritional Program	\$7,500
Garbage Pails (10) & Benches (6) for Mtn. Ave. & Bound Brook Rd.	\$6,000
Prefab Shed for Senior Vehicles	\$9,346
<b>TOTAL</b>	<b>\$48,921</b>

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The Borough Clerk read the following resolution:

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

**Resolution #43-16**

**WHEREAS**, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

**WHEREAS**, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

**WHEREAS**, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater.

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

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer CropScience, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad.
  2. This resolution shall take effect immediately.
- 

The Borough Clerk read the following resolution:

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

**Resolution #44-16**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow accounts:

<b>Block/Lot</b>	<b>Name &amp; Address</b>	<b>Mailing Address</b>	<b>Amount</b>
56/18	Kevin Levonaitis E Wilson St	22 Beardslee Rd, Hillsborough, NJ 08844	18.25
56/18.01	Kevin Levonaitis 7 E Wilson St	22 Beardslee Rd, Hillsborough, NJ 08844	41.25
56/18.01	Kevin Levonaitis 7 E Wilson St	22 Beardslee Rd, Hillsborough, NJ 08844	250.00
56/18.02	Kevin Levonaitis 9 E Wilson St	22 Beardslee Rd, Hillsborough, NJ 08844	41.25
56/18.02	Kevin Levonaitis 9 E Wilson St Bayer Crop Science	22 Beardslee Rd, Hillsborough, NJ 08844	250.00
131/3	Inc. 100 Factory Ln	Newfields, c/o Debora Yereance 22 West St, Red Bank, NJ 07701	1077.01
140/7	Robert A Imbriaco 419 D St Orlando Commercial	419 D St, Middlesex, NJ 08846	500.00
144.01/1	Development 275 Lincoln Blvd Orlando Commercial	221 Beechwood Ave, Middlesex, NJ 08846	1000.01
144.01/1	Development 275 Lincoln Blvd Orlando Commercial	221 Beechwood Ave, Middlesex, NJ 08846	8.25
144.01/1	Development 275 Lincoln Blvd 277 Lincoln Holdings	221 Beechwood Ave, Middlesex, NJ 08846	10.51
147/3	LLC 277 Lincoln Blvd 277 Lincoln Holdings	277 Lincoln Holdings LLC, Attn: Steve Braun 886 Belmont Ave, Ste B, North Haledon, NJ 07508	165.00
147/3	LLC 277 Lincoln Blvd	277 Lincoln Holdings LLC, Attn: Steve Braun 886 Belmont Ave, Ste B, North Haledon, NJ 07508	5000.17
197/15.03	Satellite Builders LLC 437 Giles Ave	Ron Snyder, 141 Union Ave, Suite 8 Middlesex, NJ 08846	250.00
206/33	Rod R Donovan 1316 Bound Brook Rd	502 Farley Rd, Tewksbury, NJ 08889	750.00
279/20/C0001	Philip Lopa 839 Lincoln Blvd	342 Grant Ave, Middlesex, NJ 08846	343.45

295/20	Orlando Investments LLC 448 Voorhees Ave Estate of Frank	221 Beechwood Ave, Middlesex, NJ 08846	43.25
319/26	DeAngelis William St	50 Mason Farm Rd, Ringoes, NJ 08551	67.25
319/36	T-Mobile USA Inc 90 Wood Ave Union Carbide	c/o Warren Stillwell, Esq, Cooper Levinson Law Office, 1125 Atlantic Ave, Atlantic City, NJ 08401	307.01
353/1	Corporation River Rd	RCS-LEG Piscataway LLC % Linque Mgmt 1 Meadowlands, Ste 803 East Rutherford, NJ 07073	412.63

including interest to date of refund.

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The Borough Clerk read the following resolution:

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

**Resolution #45-16**

Extending the employment of Robyn Seif, the Temporary Part-Time Administrative Assistant in the Police Department an additional 8 weeks at \$13.00/hr. 20 hours a week effective February 23, 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #46-16**

**WHEREAS**, the governing body would like to conduct necessary testing at Mountainview Park in order to consider the 3 phase project proposal that they were provided to improve Mountainview Park; and

**WHEREAS**, in order to move forward with the field, it is necessary to have Remington, Vernick & Vena conduct testing of the pits at Mountainview Park for a cost not to exceed \$5,000; and

**WHEREAS**, there was consensus of the governing body at the February 9, 2016 Regular Meeting.

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

- 1 The governing body hereby authorizes Remington, Vernick & Vena to perform the testing of the pits at Mountainview Park for a cost not to exceed \$5,000.
2. This resolution shall take effect immediately.

**NOW FURTHER BE IT RESOLVED**, that the Treasurer confirms that \$5,000 is available in Account No. 024000-00-3010-90.

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The Borough Clerk read the following resolution:

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

**Resolution #47-16**

**WHEREAS**, the governing body has been given a proposal from Hunter Research to do a Dam Repair Study at Victor Crowell Park in order for the NJDEP to issue wetlands permitting; and

**WHEREAS**, the cost for this Historic Architectural Survey is \$3,600; and

**WHEREAS**, there was consensus of the governing body at the February 9, 2016 Regular Meeting.

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

- 2 The governing body hereby authorizes Hunter Research to perform the Historic Architectural Survey at Victor Crowell Park for a cost not to exceed \$3,600.
3. This resolution shall take effect immediately.

**NOW FURTHER BE IT RESOLVED**, that the Treasurer confirms that \$3,600 is available in Account No. 024000-00-3009-90.

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The Borough Clerk read the following resolution:

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

**Resolution #50-16**

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

**WHEREAS**, On February 17, 2016 Chief Geist recommended Police Officer Scott Christofides be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Scott Christofides be and is hereby advanced in grade to Patrolman Class “E” effective March 12, 2016 at an annual salary of \$69,015.

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The Borough Clerk read the following resolution:

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

**Resolution #51-16**

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

**WHEREAS**, On February 17, 2016 Chief Geist recommended Police Officer Paul Steffanelli be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Paul Steffanelli be and is hereby advanced in grade to Patrolman Class “E” effective March 12, 2016 at an annual salary of \$69,015.

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The Borough Clerk read the following resolution:

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

**Resolution #48-16**

**WHEREAS**, the term of the Bond for the Upgrades for the Swim Pool has a 10 year payment schedule; and

**WHEREAS**, the Swim Pool Commission believed that the debt service payments would be spread out over a 15 – 20 year period; and

**WHEREAS**, the Mayor and Council concurred that the Swim Pool Commission can make annual payments to the Borough of Middlesex on the debt service for this project over a 20 year payout in the amount of \$78,528 per year, or until the bond is paid in full.

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

1. The governing body hereby approves the Swim Pool Commission make payment to the Borough of Middlesex for the Bond for the Upgrades for the Swim Pool over a 20 year payout in the amount of \$78,528 per year, or until the bond is paid in full.

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

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The Borough Clerk read the following resolution:

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

**Resolution #49-16**

**WHEREAS**, The RBA Group has been selected by the NJDOT as a qualified firm to assist municipalities, through the NJDOT Safe Routes to School Design Assistance Program; and

**WHEREAS**, the Borough of Middlesex received a grant from the NJDOT in the amount of \$330,000; and

**WHEREAS**, at the recommendation of the Borough Engineer, the governing body wishes to appoint the RBA Group, Inc. as the Engineer Design Consultant for the Safe Routes to School Design Assistance Program.

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

1. The Governing Body hereby approves RBA Group as the Engineer Design Consultant for the Safe Routes to School Design Assistance Program.
2. RBA Group's final authorization to design under the grant is subject to the NJDOT approval and RBA's forthcoming cost proposal for the work.

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

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The Borough Clerk read the following resolution:

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

**Resolution #52-16**

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 Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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### **PUBLIC COMMENTS**

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

Joe DeScenza, Salvatore Avenue mentioned that the Elks would be hosting “Coffee with a Cop” on March 19th from 10am - 12pm. Also, the Elks have received a grant to provide 2 bullet proof vests to the Police Department and hope to present the check for the vests on the 19<sup>th</sup>.

Dave Oliver, 216 Ashland Road mentioned that the Board of Education is in the initial phase of preparing information to have a referendum in December, 2016 to build a new school. The committee consists of School Board Members Hrevnack, Harrity and Schueler. He would like to invite everyone to attend a meeting on March 17<sup>th</sup> at 7pm to discuss this project.

Robert Delmont, 318 Ambrose Avenue mentioned his ongoing situation with his property and the parcel that had not been recorded on his deed. Mayor DiMura requested that Mr. Delmont meet with both he and Attorney Aithal after this meeting to discuss.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Request to amend ordinance regarding snow removal on public sidewalks – Mayor DiMura read a memo from Chief Geist regarding this request.

“In response to concerns expressed following the blizzard that affected our borough on January 23, 2016, my staff and I reviewed the municipal ordinance regarding snow and ice removal from sidewalks. Because of the severity of the storm, we looked at the ordinance without prejudice to see if we felt it should be modified. Our ordinance was reviewed and compared to ordinances from several other municipalities.

After careful review and consideration I determined that the ordinance is intelligent, appropriate and reasonable. We found it is also consistent with the ordinances used by those jurisdictions that were reviewed. The ordinance establishes a reasonable time frame following a normal snowfall to have the sidewalks cleared. Clearing and treating the sidewalks is an important safety concern considering the many pedestrians, many of them school-aged children that use the sidewalks on a daily basis.

In cases such as this it was important to evaluate this situation with an empathetic eye and we were guided accordingly with regards to our enforcement activities. We realized that sidewalks and corner ramps were especially difficult to manage and clearing these areas was no easy task. Discretion preceded every enforcement action and we tried to impress upon the property owners the importance of clearing the sidewalks. Many property owners complied with our request. Those that did not respond to our repeated requests were issued summonses. I am confident that the discretion exercised was both reasonable and appropriate. I am equally confident in our ability to interpret and enforce the ordinance intelligently and appropriately when confronted with future severe weather events. I appreciate the opportunity to offer my insights on this matter.”

Mayor DiMura stated that he did review several ordinances from other towns and feels that we handled the storm properly as it is a safety issue. We did give the residents enough time to clean up and the Police Department did not issue summons until Thursday after the storm.

Mayor opened the meeting to discussion on this matter.

Ann Marie Zenone, 357 Union Avenue stated that she agreed with Councilman Greco that if the time to remove snow from the sidewalks was to be extended it should be put on the website and the residents should be notified. Ms. Zenone also stated that she is going to look at having the borough take over the sidewalks.

June Nielson, 363 Union Avenue questioned that if we were to call would they help the residents

Mayor DiMura stated that you should reach out to us if there is an issue, and we can work with you, but this is not about fines, but about making our sidewalks safe. He will make sure that it is posted on our website, but each storm will be handled individually.

John & Ester Gondeck, 379 Union Avenue stated that he also has issues with the snow blowing on Union Avenue and he has had 4 feet of snow in front of his house (which includes hubcaps and garbage from Rt. 28) and has had to pay \$135.00 to plow his property in the past. Mr. Gondeck had been knocked down by the county plows as they come by throwing all the snow from Rt. 28 onto his property as he is trying to plow his sidewalk.

Mayor and Council discussed this matter, how it was handled and the Police Chief's comments, and all members of the Council were in favor of leaving the ordinance as it stands.

2. Request by the Police Chief to fill Captain's position – Council approved moving forward on this process, which follows the same format as was done when picking a Police Chief. Mayor DiMura will advise the Police Chief to begin this process.
3. Posting for Plumbing Inspector – Council agreed to post this position

4. Discussion regarding IT Position – Councilman Kaplan met with the IT Manager and went over his projects, a lot of which are started, and some not completed. Councilman Kaplan wanted to bring to council to discuss what they would like to do, as a lot of these projects may require an outside source to take over the projects like social media, the website, cameras, and radios. Council President stated we need to look at the position as a whole and define it. Part of the IT Manager position is the webmaster, and that can take a whole day for him to update the website. Mayor DiMura is recommending that Councilman Kaplan request a list of open projects and then his Committee should look at the IT Manager’s daily work routine, and basically sit with the IT Manager and see what he does every week. Mayor DiMura would like Councilman Kaplan to come back to the April 12 Regular Meeting to discuss further. Councilman Mikolajczyk recommended that Councilman Kaplan might want to look into reaching out to the schools and see if there is a possible shared service.

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**PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting for comments on the Agenda Workshop Items.

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**ADJOURNMENT**

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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

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
MARCH 8, 2016**

**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	Ron DiMura
Council President	Sean Kaplan (Absent – work)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Mayor opened the meeting recognizing the Middlesex High Students sitting in the audience. These students will be participating in Middlesex Youth Elk's Week shadowing the Mayor and Council at our Regular Meeting of March 22, 2016.

**PRESENTATIONS**

Mayor DiMura recognized the following Borough employees on their retirement and on behalf of the Council and the residents expressed his sincere thanks and gratitude for the many years of dedicated service along with their commitment to Middlesex Borough and our residents wishing them all good health, happiness and continued success in their retirement

- (1) Sergeant Jeffery Bevan retired from the Middlesex Police Department with 27 years of service
- (2) Cindy Chomen retired as Administrative Assistant with the Middlesex Police Department with 41 years of service; and
- (3) Charlie Sebastian retired from the Department of Public Works with 35 years of service.

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**APPOINTMENTS**

The Borough Clerk read the following resolution:

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

**Resolution #53-16**

**WHEREAS**, Patrolman Thomas Carroll has successfully completed all phases of the promotional testing procedures; and

**WHEREAS**, Chief Matthew Geist has recommended that Patrolman Thomas Carroll be promoted to the rank of Sergeant.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, New Jersey, that Patrolman Thomas Carroll be promoted to the rank of Sergeant effective March 9, 2016 at an annual salary of \$112,280.00.

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

Mayor DiMura administered the Oath of Office to Sgt. Carroll. Chief Geist congratulated Sgt. Carroll, his wife, Adriane, and the entire family for a well-deserved promotion. He also thanked the M&C for their continued support of the Police Department and throughout the promotional process and that he is looking forward to a really good 2016

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Mayor DiMura appointed Jim Benson, Jim Delaney, John Fuhrmann, Mark Porcelli, Jim Gustafson, Alexander Petrone & Richard Gianchiglia to the Economic Development Committee.

Mayor DiMura appointed Dan Parente, Matt Adams, Frank Ryan, Betty Platten and Mike Jones to the Fields & Parks Committee.

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**PROCLAMATIONS**

The Borough Clerk proclaimed March, 2016 as American Red Cross Month

***PROCLAMATION***

In Middlesex Borough, we have a long history of helping our neighbors in need. American Red Cross Month is a special time to recognize and thank our Everyday Heroes – those selfless Red Cross volunteers and donors who give of their time and resources to help community members.

Those heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning, or choking. They enable children around the globe to be vaccinated from measles and rubella.

The American Red Cross depends on local heroes to deliver help and hope during a disaster. We applaud our heroes here in Middlesex Borough who give of themselves to assist their neighbors when they need a helping hand.

Across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict, or migration.

We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

**NOW, THEREFORE, I MAYOR RON DIMURA**, Mayor of Middlesex Borough, by virtue of the authority vested in me by the Constitution and laws of Middlesex and State of New Jersey, do hereby proclaim March, 2016 as American Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

**IN WITNESS WHEREOF**, I now hereby set my hand and the Seal of the Borough of Middlesex on this 8th day of March, 2016.

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The Borough Clerk proclaimed March, 2016 as Youth Art Month

## ***PROCLAMATION***

### **YOUTH ART MONTH – 2016**

**WHEREAS**, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities.
- Art education teaches sensitivity to beauty, order, and other expressive qualities;
- Art education gives students a deeper understanding of multi-cultural values and beliefs;
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism, and aesthetics.

**WHEREAS**, our national leaders have acknowledged the necessity of including arts experiences in all students' education,

**THEREFORE, BE IT RESOLVED** that support be given to art teachers as they attempt to strengthen art education in their schools and communities.

**NOW, THEREFORE**, it is proclaimed that March be observed as YOUTH ART MONTH, and all citizens are urged to take interest in and give full support to quality school art programs for children and youth.

**NOW, THEREFORE**, I Ronald J. DiMura, Mayor of the Borough of Middlesex, County of Middlesex and State of New Jersey do hereby proclaim March, 2016 as YOUTH ART MONTH.

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**PUBLIC HEARING-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1887-16 by title for introduction.

**ORDINANCE NO. 1887-16**

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

**CALENDAR YEAR 2016  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

**WHEREAS**, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2016 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$424,951.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.



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

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$424,951.73 and that the CY 2016 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

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

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

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

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

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The Borough Clerk read the following resolution:

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

**Resolution #54-16**

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

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2016.

**BE IT RESOLVED**, that the following statement of revenues and appropriations shall constitute the Municipal Budget for the year 2016;

**BE IT FURTHER RESOLVED** that said Budget be published in the Courier News, New Jersey in the issue of March 29, 2016.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2016:

General Appropriations:	
Appropriations Within "CAPS"	\$12,689,999.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	5,084,852.75
Municipal Purposes	
Reserve for Uncollected Taxes – Based on	
Estimated 98+ Percent of Taxes Collections	<u>875,000.00</u>
Total General Appropriations	18,649,851.75
Less: Anticipated Revenues Other Than Current	
Property Taxes	<u>6,311,505.34</u>
Difference: Amount to be Raised by Taxes	
For Support of Municipal Budget:	
a) Local Tax for Municipal Purposes Including	
Reserve for Uncollected Taxes	<u>\$11,869,410.80</u>
b) Municipal Library Tax	<u>\$ 468,935.61</u>
<u>Swimming Pool Utility Operating Fund</u>	
Total Swimming Pool Revenues	<u>\$ 513,744.10</u>
Total Swimming Appropriations	<u>\$ 513,744.10</u>

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, on March 8, 2016.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 12, 2016 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers or other interested persons.

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

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#### **ADOPTION OF MINUTES**

Councilman Madden made a motion to approve the February 23, 2016 Regular Meeting Minutes seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: None.

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#### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance

- A. Councilman Schueler stated that the budget was introduced this evening with a \$48.39 increase for the average homeowner, and we are introducing it, but still have

the opportunity for additional cuts. Councilman Schueler thanked his committee, which included Council President Kaplan and Councilman Greco, the council, the department heads, and all that worked on the budget. Mayor DiMura stated that the budget process started this year \$550,000 in the hole because of the increased debt service. The Mayor thanked the CFO, the Treasurer, and all that contributed for a job that was well done. The Mayor indicated that there will be a 2.15% tax increase, which will enable the borough to hire more police, put a resource officer at the high school in September, restructure the DPW to make it more efficient, and complete road and stream cleaning projects.

- B. Councilman Schueler moved the approval of the February, 2016 Treasurer's Report seconded by Councilman Greco and carried by a unanimous vote of Council.

## 2. Recreation/Recreation Fields/Water & Light

- A. Councilman Madden reported that the Swim Pool Commission received a written agreement from the contractors to extend the Phase I and Phase II completion of the swim pool project until May 1, 2016.
- B. Councilman Madden also reported that the Little League opening day is scheduled for April 2 at 12 noon. All are welcome to attend.

## 3. Fire/OEM/Board of Health/Rescue Squad/Flood - Councilman Kaplan was absent

## 4. Public Works/Parks/Sanitation/Recycling

- A. Councilman Corley reported on the following for the DPW:

- 1) The DPW is continuing to do cleaning of storm basin tops throughout the Borough and so far they have cleaned approx. 500 + basin tops.
- 2) They been aggressively patching potholes with our new Hot Box, filling approximately 100 potholes.
- 3) The DPW painted the vault room and OEM room in the Borough Hall basement, outside block walls, with a waterproofing paint, saving a substantial amount of money as compared to the contractor's quotes.
- 4) The DPW also worked on replacing numerous ceiling tiles in the Recreation Center and Borough Hall and is working with the Violation Office and Police Dept. to help set up a new metal detector scanner at Borough Hall for court nights.
- 5) They have started to do some street sweeping of main roads and roads which were affected by the heavy rains leaving behind a lot of debris in road way and gutter area.

6) Starting on March 16, 2016 they will once again be starting our Branch pick up program, it will be the third (3rd) Wednesday of every month until the end of October, Branches " MUST " be tied and bundled in sections no longer than 4 ft. Once again, this pick up is "ONLY" done on the third (3rd) Wednesday of the month .

7) The DPW will once again be starting our leaf bag/grass bag pick up this month. They will be picked up on Wednesdays, and they ask that you please have them out by Tuesday night. They should be no heavier than 50 lbs. Remember, if you can lift them we can lift them. Also, bags are always accepted at the Recycle Center and go in the yard waste bin.

8) As a reminder, Residents that wish to bring their bulk items to the Recycle Yard "MUST " have a Bulk coupon to use the Bulk bin, and is marked as such in front of the bin. This year the coupons are green in color and they came in 2015 in your estimated tax bill. New coupons will come out this summer around July or August.

5. Police/Legal/Code Enforcement/Construction/Municipal Court

A. Councilman Mikolajczyk reported that the Court Office and Construction Office is working on the flow chart for their office. Also, he will be meeting with Mayor DiMura regarding outstanding issue regarding the Court with regard to real estate and figure out what they have in mind.

6. Administration/Department of Senior Services/Legislation/Licensing

A. Councilman Greco reported that they have vetted out many vendors to work on our social media function at the borough. The Committee will be meeting this weekend with 4 companies and after that meeting will bring the Administrative Committee recommendations back to Council to discuss further at the April 12, 2016 Regular Meeting.

B. Councilman Greco mentioned that the Middlesex High School Students are attending the meeting tonight in the audience for "Elks Youth Week" and will be shadowing the council at the March 22, 2016 Regular Meeting.

C. Councilman Greco also mentioned that the High School will be presenting the "Little Mermaid" on March 17, 18 and 19. Come out and support our students.

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## REPORTS

### Mayor

1. Mayor DiMura requested that the Council please get your Agenda Items to the Borough Clerk by the Wednesday before the Regular Meeting, as it is important to have these items listed on the Agenda.

2. Capital Budget - Mayor DiMura requested that the Council please review the capital budget, address any questions to either him or the Treasurer, as it will be discussed at the March 22, 2016 Regular Meeting.
  3. Administrator Meeting – Interviewing for a Borough Administrator will be held in a Special Executive Session Meeting on Saturday, March 12, 2016 at 9 AM.
  4. Sewer Meeting – A Special Meeting dealing with the sewer issue will be held on Tuesday, March 29, 2016 at 7 PM.
- 

The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(E)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #60-16, Resolution #65-16 and #66-16 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 #55-16 – Resolution #59-16  
Resolution #61-16 – Resolution #64-16  
Resolution #67-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #55-16**

The following applications for Towing Licenses for the year 2016 have been approved by the Police Department and met all borough requirements, and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

1. Hart's Auto Body
2. Lincoln Auto Body
3. Tierno's Automotive Inc.

4. M&W Towing Service
5. Mike's Towing

---

The Borough Clerk read the following resolution:

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

**Resolution #56-16**

**WHEREAS**, Parker Engine & Hose Co. No. 4 has requested to hold fund raising within the borough of Middlesex by conducting two coin tosses within the borough at the intersections of Route 28 and South Lincoln Avenue; and

**WHEREAS**, Parker Engine & Hose Co. No. 4 would like to conduct these coin tosses, one in the Spring and one in the Fall on March 26, October 22 and October 29 (with one being a rain date in case of inclement weather); and

**WHEREAS**, Parker Engine & Hose Co. No. 4 has met all of the criteria required in Middlesex Borough Ordinance No. 1747-09, with the exception of the approval of the New Jersey Department of Transportation.

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

1. The Governing Body hereby approves Parker Engine & Hose Co. No. 4 conduct coin tosses on 2 occasions (weather permitting) on either March 26, 2016, October 22, 2016 or October 29, 2016 at the above locations, pending receipt of approval from the New Jersey Department of Transportation.
2. This resolution shall take effect immediately.

---

The Borough Clerk read the following resolution:

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

**Resolution #57-16**

The Governing Body approves the renewal of the Lease Agreement between the Rescue Squad and the Borough of Middlesex effective September 1, 2016 – August 31, 2021 and authorizes the Mayor and Borough Clerk to execute same.

---

The Borough Clerk read the following resolution:

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

**Resolution #58-16**

The governing body accepts the retirement of Cynthia A. Chomen as Administrative Assistant of the Middlesex Police Department effective March 1, 2016.

---

The Borough Clerk read the following resolution:

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

**Resolution #59-16**

The governing body hereby authorizes the refund of Towing License Fees in the amount of \$175.00 for the following companies, as they have not met the requirements set forth in Chapter 387 of the Borough Code in order to receive a towing license:

Somerset Hills Towing	JVD Towing
79-81 Chimney Rock Road	1226 New Market Avenue
Bridgewater, NJ	South Plainfield, NJ

---

The Borough Clerk read the following resolution:

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

**Resolution #61-16**

The Tax Collector is hereby authorized to refund Sanitary Sewer Use Charges on block 314, Lot 31, 657 Lincoln Blvd. The property owner supplied documentation that the usage did not exceed the thresholds. The appeal committee reviewed the documentation and is recommending a full refund in the amount of \$1,706.52.

---

The Borough Clerk read the following resolution:

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

**Resolution #62-16**

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow accounts.

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
136/4.01	Robert Hickson 319 Ashland Rd	\$ 721.40	680040441

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 #63-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$24,407.60 to redeem tax sale certificate #2015-1849 and tax sale premium in the amount of \$35,000, Block 290, Lot 25, 209 Wood Avenue. The check is to be made payable to:

US Bank c/f Tower DBW V 2015-1  
50 South 16<sup>th</sup> Street – Suite 2050  
Philadelphia, PA 19102

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The Borough Clerk read the following resolution:

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

**Resolution #64-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$1,174.85 to redeem tax sale certificate #2014-1832 and a check in the amount of \$2,100 for a tax sale premium, Block 264, Lot 8/C001, 200 Runyon Avenue, check is to be made payable to:

TWR as CST for Ebury Fund 1NJ  
P O Box 37695  
Baltimore, MD 21297

---

The Borough Clerk read the following resolution:

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

**Resolution #67-16**

**WHEREAS**, the State of New Jersey, Division of Local Government Services, requires an annual resolution by Municipalities, that raise school taxes on a school year basis, and have a deferred portion of that levy at the beginning and end of a calendar year, and

**WHEREAS**, in a Municipality whose deferred school taxes increase from year to year, that Municipality is to set forth the reasons and facts for the increases; and

**WHEREAS**, the Deferred School Taxes, for the Borough of Middlesex Board of Education has increased from January 1, 2015 to December 31, 2015 by \$242,912.00

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the reasons for this increase is the levy for



the school year July 1, 2015 to June 30, 2016 has increased by \$424,201.00 from the previous school year levy, and

**BE IT FURTHER RESOLVED** that the increase in the deferred school tax amount from January 1, 2016 to December 31, 2016 is beneficial to the financial position of the Borough for 2016; and

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

---

The Borough Clerk read the following resolution:

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

**Resolution #60-16**

The governing body hereby approves the change of the Borough's communications carrier from Broadview to Spectrotel.

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

Mayor DiMura commended Ryan Zittel for saving the Borough \$1,100 per month with our new communication carrier.

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The Borough Clerk read the following resolution:

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

**Resolution #65-16**

**WHEREAS**, an emergent condition has arisen with respect to providing temporary appropriations sufficient to cover commitments made during the period of January 1, 2016 to the date of adoption of the annual budget and no adequate provision has been made in the 2016 temporary appropriations to cover such commitments, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose of covering such commitments; and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$13,318,585.56 for the Current Fund Budget, \$146,586.52 for the Swimming Pool Utility Budget;

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

<b>Appropriations Current Fund</b>	<b>Account</b>	<b>Salaries &amp; Wages</b>	<b>Other Expenses</b>
<b>General Government</b>			
Administrator	20-1001	\$50,000.00	\$1,000.00
Mayor & Council	20-1101	\$6,000.00	\$5,000.00
Municipal Clerk	20-1231	\$70,000.00	\$2,000.00
Printing & Advertising	20-1202		
Postage	20-1222		\$7,000.00
Elections	20-1242		\$3,000.00
Finance Administration	20-1301	\$40,000.00	\$12,000.00
Computer Services	20-1401	\$40,000.00	\$50,000.00
Revenue Administration	20-1451	\$35,000.00	\$4,000.00
Assessment of Taxes	20-1501	\$7,000.00	\$1,500.00
Legal Services	20-1551		\$45,000.00
Engineering Services	20-1652		\$14,000.00
Environmental Services	20-1752		\$5,000.00
Planning Board	21-1802	\$2,000.00	\$10,000.00
Zoning Board	21-1852	\$2,000.00	\$5,000.00
Code Enforcement	21-1872	\$14,000.00	\$5,000.00
Liability Insurance	23-2102		\$80,000.00
Worker's Comp Insurance	23-2152		
Group Insurance	23-2202		\$1,000,000.00
Temp Disability Insurance	23-2122		\$8,000.00
Longterm Disability Insur	23-2132		\$5,000.00
<b>Public Safety</b>			
Police	25-2401	\$1,500,000.00	\$80,000.00
Juvenile	25-2411	\$950.00	
Emergency Management	25-2521		\$7,000.00
Fire Department	25-2652		\$60,000.00
Fire Hydrants	25-2572		\$95,000.00
Prosecutor	25-2752	\$11,000.00	
<b>Public Works</b>			
Streets & Roads	26-2901	\$200,000.00	\$55,000.00
Shade Tree	26-3001	\$1,100.00	\$8,000.00

Solid Waste	25-3051	\$35,000.00	
Garbage	25-3071	\$400,000.00	\$20,000.00
Building & Grounds	25-3101		\$40,000.00
Rescue Squad Rental	25-3082		\$3,000.00
Sewers	31-4551	\$17,000.00	\$15,000.00
Stormwater Regulations	41-7160		
<b>Health &amp; Human Services</b>			
Board of Health	27-3301	\$1,300.00	\$25,000.00
Animal Control	27-3453		\$15,000.00
<b>Parks &amp; Recreations</b>			
Recreation	28-3701	\$35,000.00	\$7,500.00
Celebration of Public Events	30-4200		\$12,000.00
Parks & Playgrounds	28-3751	\$75,000.00	\$20,000.00
Sr Citizen Bus Transportation	28-3721		\$1,000.00
Sr Nutrition	28-3791	\$5,000.00	
Title III	28-3781	\$14,000.00	
Medical Transportation	28-3761		
Sr Citizen Coordinator	28-3731	\$25,000.00	\$2,000.00
<b>Utility Expenses</b>			
Electricity	31-4302		\$80,000.00
Street Lighting	31-4352		\$78,000.00
Telephone	31-4402		\$30,000.00
Water	31-4452		\$15,000.00
Natural Gas	31-4462		\$10,000.00
Fuel Oil (Diesel)	31-4472		\$15,000.00
Gasoline	31-4602		\$13,000.00
<b>Other Operating</b>			
Landfill	32-4652		\$185,000.00
Construction	22-1951	\$65,000.00	
Municipal Court	43-4901	\$55,000.00	\$4,000.00
Library	29-3902		\$200,000.00
Utility Authority	25-3122		\$350,000.00
Piscataway Sewer	25-3112		\$130,000.00
Curbside Recycling	36-4766		\$60,000.00
<b>Statutory Expenses</b>			
Social Security	36-4722		\$130,000.00
DCRP CoMatch	36-4732		\$6,000.00

<b>State &amp; Federal Grants</b>			
Drug Alliance	41-7032		\$7,000.00
Older American	41-7092		
Body Armor	41-7042		
<b>TOTAL CURRENT FUND</b>		<b>\$2,706,350.00</b>	<b>\$3,041,000.00</b>
<b>Swim Pool Utility</b>			
Operating Appropriations	05-7001	\$25,000.00	\$30,000.00
<b>TOTAL SWIM POOL</b>		<b>\$25,000.00</b>	<b>\$30,000.00</b>

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

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The Borough Clerk read the following resolution:

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

**Resolution #66-16**

**Resolution Supporting Participation  
In the Sustainable Jersey Municipal Certification Program**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Middlesex strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Borough of Middlesex hereby acknowledges that the residents of the Borough of Middlesex desire a stable, sustainable future for themselves and future generations; and

**WHEREAS**, the Borough of Middlesex wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path the Borough of Middlesex is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of the Borough of Middlesex, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

**NOW THEREFORE BE IT RESOLVED**, that to focus attention and effort within the Borough of Middlesex on matters of sustainability, the Borough of Middlesex Governing Body wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Middlesex that we do hereby authorize the Borough Clerk, Kathleen Anello to serve as the Borough of Middlesex agent for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf of the Borough of Middlesex.

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

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The Borough Clerk read the following resolution:

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

**Resolution #68-16**

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 Madden and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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**PUBLIC COMMENTS**

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

George Stafford, Outreach Director, 16 Kitchell Avenue, Wharton, New Jersey attended the meeting on behalf of the New Jersey Highlands Coalition to request that the governing body support the 2004 N.J. Highlands Water Protection and Planning Act. The NJ Highlands Council is considering changes to their master plan which affect communities like Middlesex Borough

that effect the way that they receive water from the Highlands and request that they do not make some of the changes that they propose. There are 100 resolutions that have been adopted, 86 of them by various municipalities, 6 by Freeholder board and the other by regional and municipal regions and Mr. Stafford would like the council to consider also approving this resolution. Mayor DiMura requested that the Clerk put this resolution on the next Agenda for discussion.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. OLMV School Building – Mayor DiMura requested approval from counsel to discuss with Father Pat the possibility of using the former OLMV School as a community center for the Borough. The Mayor discussed that he would like approval to potentially move the Recreation Department and Office of Aging to that location and give the Borough an opportunity to expand the services that are offered to the seniors and children. The Mayor would discuss the possibility of renting this facility. A consensus of council was given to the Mayor to approach Father Pat to discuss the Borough's using the OLMV School Building.
2. Mill and Pave Road Program – Mayor DiMura will forward a list of streets that he received that were recommended by the DPW Supervisor and Borough Engineer that need repaving. Mayor DiMura indicated that there are funds available in the capital budget from last year, and he would like to see this program move forward.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

#### **Resolution #69-16**

**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. Landlord Registration

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan (Absent – work)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Borough Clerk read Ordinance No. 1888-16 by title for introduction.

**ORDINANCE NO. 1888-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 320 REGISTRATION, LANDLORD**

SECTION ONE. The Code of the Borough of Middlesex, County of Middlesex, State of New Jersey Section 320-1 and 320-4 is hereby amended as follows:

§ 320-1. Registration and inspection application.

- A. A registration and inspection application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and inspected as provided herein. Every owner shall file with the Zoning

Officer or his/her designee a registration form for each individual unit contained within a dwelling available or offered for rent or currently rented. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering as provided herein, including any renewals, amendments or updates, without any further notice from the Borough.

- C. Upon the filing of a completed registration form, payment of the prescribed fee, and, if deemed necessary in the judgment of the Zoning Officer or his/her designee, a satisfactory inspection, the owner shall be entitled to offer such unit(s) for rent, or continue to offer such unit(s) for rent commencing on the date of filing a completed registration form, payment of the prescribed fee, and, if deemed necessary, satisfactory inspection, until the following February 1<sup>st</sup>. All rental units must nevertheless be registered and inspected in accordance with this chapter. No rental unit shall thereafter be rented unless the rental unit is registered and inspected in accordance with this chapter. A registration form shall be required for each rental unit. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered.

§ 320-4. Violations and penalties.

- A. In the event that the inspection(s) of a rental unit indicate the need for maintenance and/or repairs, such property shall not thereafter be registered, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s), laws, regulations and/or ordinances and the property is thereafter subsequently re-inspected, approved and registered. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within 30 days; and if not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of §320-4C of this chapter.
- B. A property shall not be considered registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

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. 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 FOUR. This Ordinance shall take effect 20 days after passage and publication as provided by law.



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

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**ADJOURNMENT**

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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

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
MARCH 22, 2016**

**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, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

**SALUTE TO THE FLAG**

**ROLL CALL**

**Student Counterparts**

Mayor  
Council President

Ron DiMura  
Sean Kaplan (Absent)  
Stephen Greco  
Patrick Corley  
John Madden  
Bob Schueler  
Jack Mikolajczyk

Katelyn Nicholson  
Claudia Lajtar  
Katherine Penrose  
Yossy Montecinos  
Maria Torres  
Getzabeth Prado  
Man Duong

Attorney:  
Borough Clerk:

Aravind Aithal  
Kathleen Anello

Kayla Tarsan

Mayor DiMura welcomed all student counterparts in attendance at this meeting on behalf of the Elk's Youth Week.

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**PRESENTATIONS-NONE**

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS**

The Borough Clerk proclaimed the week of March 21, 2016 as Elk's Youth Week

***PROCLAMATION***

**WHEREAS**, the Benevolent and Protective Order of Elks has designated the week of March 21, 2016 as Elk's Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition to their services to Community, State and Nation; and

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

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

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

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

**NOW THEREFORE, I Ronald J. DiMura**, Mayor of the Borough of Middlesex do hereby proclaim the week of March 21, 2016 as Elk's Youth Week and urge all departments of government, civic, fraternal and patriotic groups and our citizens generally, to participate wholeheartedly in its observance.

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Mayor DiMura read the letter that Jacob Lyerly sent to Dr. Linda Madison, Middlesex Borough Superintendent of Schools on behalf of his friend Landon Doychak requesting to collect money from the school district to help the Doychak's purchase a wheelchair for Landon. This request from Jacob precipitated the "Lids for Landon" fund drive. Mayor DiMura read the following proclamation.

## **PROCLAMATION**

**WHEREAS**, Jacob Lyerly is a fourth grade student at Von E. Mauger Middle School; and

**WHEREAS**, Jacob Lyerly met his friend Landon Doychak in second grade when they played Little League together on the Orioles baseball team; and

**WHEREAS**, Jacob Lyerly and Landon Doychak quickly become "good" friends and have many common interests, which include sports, video games and the Yankees; and

**WHEREAS**, Landon Doychak, diagnosed in March, 2012 with Duchenne Muscular Dystrophy is now "non-ambulatory" and requires the use of either a power scooter at school or the use of a transporter wheelchair at home; and

**WHEREAS**, Jacob Lyerly made a written request to the Superintendent of Middlesex Public Schools, Dr. Madison, and requested if the entire school district could participate in a fundraiser to help raise money for Landon Doychak to get a new electric wheelchair by either having a "pajama day" or a "hat day"; and

**WHEREAS**, Dr. Madison was impressed by Jacob Lyerly's "generosity and willingness to go the extra mile for his friend"; and

**WHEREAS**, Jacob Lyerly's request to hold the "Lids for Landon" was held on March 11, 2016 throughout the entire Middlesex school district, the day before Landon Doychak's 10<sup>th</sup> Birthday.

**NOW, THEREFORE**, I, Ronald J. DiMura, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to designate Jacob Lyerly a "Middlesex Hero" on this 22<sup>nd</sup> of March, 2016.

Mayor DiMura designated Jacob Lyerly a "Middlesex Hero" and awarded medals to both Jacob Lyerly and his friend Landon Doychak on behalf of the mayor and council.

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**PUBLIC HEARING**

The Borough Clerk read Ordinance No. 1887-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1887-16**

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

**CALENDAR YEAR 2016**

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

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

**WHEREAS**, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2016 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$424,951.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

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

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$424,951.73 and that the CY 2016 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

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

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

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

Mayor DiMura opened the public hearing on Ordinance No. 1887-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing on Ordinance No. 1887-16.

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

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The Borough Clerk read Ordinance No. 1888-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

#### **ORDINANCE NO. 1888-16**

### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 320 REGISTRATION, LANDLORD**

SECTION ONE. The Code of the Borough of Middlesex, County of Middlesex, State of New Jersey Section 320-1 and 320-4 is hereby amended as follows:

§ 320-1. Registration and inspection application.

- A. A registration and inspection application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall

be registered and inspected as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each individual unit contained within a dwelling available or offered for rent or currently rented. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering as provided herein, including any renewals, amendments or updates, without any further notice from the Borough.

- C. Upon the filing of a completed registration form, payment of the prescribed fee, and, if deemed necessary in the judgment of the Zoning Officer or his/her designee, a satisfactory inspection, the owner shall be entitled to offer such unit(s) for rent, or continue to offer such unit(s) for rent commencing on the date of filing a completed registration form, payment of the prescribed fee, and, if deemed necessary, satisfactory inspection, until the following February 1<sup>st</sup>. All rental units must nevertheless be registered and inspected in accordance with this chapter. No rental unit shall thereafter be rented unless the rental unit is registered and inspected in accordance with this chapter. A registration form shall be required for each rental unit. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered.

#### § 320-4. Violations and penalties.

- A. In the event that the inspection(s) of a rental unit indicate the need for maintenance and/or repairs, such property shall not thereafter be registered, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s), laws, regulations and/or ordinances and the property is thereafter subsequently re-inspected, approved and registered. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within 30 days; and if not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of §320-4C of this chapter.
- B. A property shall not be considered registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

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. 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 FOUR. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Mayor DiMura opened the public hearing on Ordinance No. 1888-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing on Ordinance No. 1888-16.

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

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### **NEW BUSINESS-NONE**

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### **ADOPTION OF MINUTES**

Councilman Greco moved to amend the March 8, 2016 Regular Meeting Minutes to reflect the vote of Councilman Corley on Resolution #53-16, rather than Councilman Dotey seconded by Councilman Schueler and carried by a unanimous vote of Council.

Councilman Madden made a motion to approve the March 8, 2016 Regular Meeting Minutes as amended, the March 8, 2016 Executive Session Meeting Minutes and February 18, 2016 Special Meeting Minutes seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: None.

Councilman Schueler made a motion to approve the March 12, 2016 Special Executive Meetings Minutes seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Madden, Schueler and Mikolajczyk. Nos: None. Abstain: Greco and Corley.

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Madden reported on Tuesday, August 2 the Recreation Commission will hold Movie Night in the park, corresponding with the Police Department's National Night out. Also, on Friday, July 8 the Recreation Commission will also hold a Movie Night in the park, starting at dusk.
3. Fire/OEM/Board of Health/Rescue Squad/Flood - Councilman Kaplan was absent
4. Public Works/Parks/Sanitation/Recycling
  - A. Councilman Corley reported on the following for the DPW:

- 1) DPW is continuing pot hole patching with our new Hot Box and we urge the Public to call in with any potholes they may notice. Your assistance in keeping our roads safe is greatly appreciated !
- 2) The DPW has been Spring cleaning all Public areas, Parks and recreation areas in preparation of grass cutting season and should be done by the beginning of next Month.
- 3) Just as a reminder the first Saturday of every Month is paint drop off day at the Recycle Center. This is for all Middlesex County Residents. PLEASE bring only paints, oil base, latex, and aerosol, stains, varnishes, mineral spirits, and paint thinners.
- 4) There is literature at Recycle yard and on line as to location and times to throw out all other hazardous materials such as: cleaners, pesticides , pool chemicals and a wide variety of other items . Please be Responsible and dispose of these items properly!
- 5) Also just a reminder all Mattresses thrown out should be wrapped in plastic, put into the bag from the new mattress or hopefully taken away by the company delivering your Mattress, this is due to a reemergence of bed bugs, Please help protect our staff that is there to help you! As always your assistance in this matter is greatly appreciated!

5. Police/Legal/Code Enforcement/Construction/Municipal Court

- A. Councilman Mikolajczyk reported that for the Police congratulations are in order for the Coffee with a Cop event at the Elk's last Saturday. It was well organized and well attended. It really showcased our police department in a positive light. Special thanks to the Elks for their donation of \$2000 towards new Police vests.
- B. Congratulations to Police Officer James Morley on his advancement to Patrolman Class E effective April 9
- C. Good luck to the candidates interviewing tonight for the Captain's position.
- D. Councilman Mikolajczyk made a motion to approve the Police Report for February, 2016 seconded by Councilman Madden and carried by a unanimous vote of Council.
- E. For construction we have a resolution accepting the resignation of the Construction Official/Fire Building-Sub Code Official Anthony Alfano.
- F. We also have a workshop tonight discussing the Construction Official/Fire Building Sub Code Official & Inspector Positions.



6. Administration/Department of Senior Services/Legislation/Licensing

- A. Councilman Greco reported that Council Committee met to discuss the existing borough website. The committee is in process of setting appointments with prospective parties.
- B. Councilman Greco reported that the Middlesex Senior Services is looking to create volunteer program to assist homebound senior to obtain groceries. A senior shopper will be placed with a volunteer helper. The Volunteer will pick up the shopping list from their shopper and fill their grocery order. The shopper will be expected to provide the shopping list, any coupons and money to fill the order. This program is for Middlesex Borough Residents only. If you need help contact the office at 732-356-0414.
- C. Board of Education – on March 17 at the High School library – the Board of Education held a public meeting to discuss the possibility of a building project and referendum in Middlesex Borough. The Architectural firm of: Parette-Somjen Architects lead the audience through the process of seeking a referendum. There is another meeting for the public on Wednesday March 23, 2016 at 7pm at the Peter Diskin Auditorium at the MHS Library. The session will be in a workshop format and be interactive. No Board Action will be taken.
- D. The production of Disney's The Little Mermaid was fabulous! Congratulations to all students and staff for a job well done.
- E. The Board recognized MHS honor Student Christine Neu who has been selected by professional ceramic artists and has exhibited her work in the National K-12 student ceramic art exhibit in Kansas City. Christine was chosen from thousands of entrants and her work will be seen by an international group of artists and then featured on a posted and in a DVD sent to high schools across the country. Congratulations Christine!

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**REPORTS**

**Mayor**

- 1. Mayor DiMura discussed the expired ballistic vests. Chief Geist requested permission to donate these vests to the United States Marine Corps Recruiting Station for training purposes. A consensus of council was taken and resolution will be placed on the April 12, 2016 Regular Agenda for approval.

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The Borough Clerk read the following resolution:

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

## Consent Agenda 2016(E)

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #71-16 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 #70-16  
Resolution #72-16 – Resolution #73-16

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

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The Borough Clerk read the following resolution:

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

### Resolution #70-16

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

**WHEREAS**, On March 7, 2016 Chief Geist recommended Police Officer James Morley be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer James Morley be and is hereby advanced in grade to Patrolman Class “E” effective April 9, 2016 at an annual salary of \$69,015.

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The Borough Clerk read the following resolution:

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

### Resolution #72-16

**WHEREAS**, Middlesex County Office of Aging & Disabled Services has entered into a contract with the Borough of Middlesex for the provisions of Information and Assistance and Assisted Transportation Services dated July 18, 2013; and

**WHEREAS**, Middlesex County Office of Aging & Disabled Services has agreed to extend the contract for a third year and increase this contract amount to \$16,500.

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

1. The Mayor and Borough Clerk are authorized to execute this contract amendment with the Middlesex County Office of Aging & Disabled Services
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #73-16**

The governing body hereby accepts the resignation of Anthony Alfano as the Construction Official/Fire Building-Sub Code Official effective March 17, 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #71-16**

The Tax Collector is hereby authorized to refund Sanitary Sewer Use Charges on Block 23, Lot 1, 553 Bound Brook Road. This property is multiple use, residential and commercial. An overpayment resulted after adjusting the billing. The appeal committee reviewed the documentation and is recommending a refund in the amount of \$451.84.

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

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The Borough Clerk read the following resolution:

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

**Resolution #74-16**

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 Madden and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Shade Tree Commission – Community Forestry Management Plan – Councilman Madden reviewed the Shade Tree’s proposed Community Forestry Management Plan, along with their mission to proactively nurture, promote, and maintain a sustainable, functional and safe community forest and shade tree resource that benefits the ecological, financial, and cultural well-being of the Borough of Middlesex and its residents. The plan is designed to direct available resources towards prioritized needs and systematically work to improve the conditions of the borough’s tree population. This plan will aid in identifying and efficiently addressing both existing and potential tree hazards, allowing the borough to both address the current needs and apply preventative care to minimize future liability. The plan requires core trained individuals and one community volunteer to participate in the program. Also, Councilman Madden discussed the approved status for compliance each year within the plan and the requirements that must be met. Councilman Madden indicated that this plan would entitle the borough to apply for more funding, which could allow for the borough to purchase more trees that would look appropriate in the neighborhood, which in turn improves the valuation of your home. Mayor DiMura’s has reservation about the types of trees that are planted and the trees that have roots that spread out, and suggest that the Commission may want to consider certain trees with deeper roots. Also, he made a recommendation that the commission find trees that make the neighborhood look great, but are safer with regard to the sidewalks. Councilman Schueler recommended that the Commission look for trees with deeper root structure, as they have less of a chance of impacting the sidewalks.
2. Tree Removal Approval & Violations along ROW – Councilman Madden indicated that the commission is looking to increase the fine amounts in the Code Book for the removal of borough trees in the right of way without obtaining Commission approval. Mayor DiMura recommended that the commissioners meet with Councilman Madden and his committee and then bring their recommendations back to council.

3. Supporting the Goals and Purposes of the 2004 Highlands Water Protection and Planning Act – Council agreed to approve this resolution at the April 12, 2016 Regular Meeting.
4. Parking on Baekeland Avenue - Mayor DiMura indicated that the parking situation on Baekeland Avenue is getting worse and was looking for direction from council. The “no parking” signs which were installed have been removed. Councilman Schueler concerned that last year the DPW was instructed to install “No parking” signs and they have been removed, which he feels is a safety issue, as we are creating a hazard and the borough becomes legally liable. He feels that we should take action to make sure the signs are reinstated and enforced. Attorney Aithal indicated that this ordinance was enacted in 2014 and the property owner has paved the right of way of municipal land which is being used as a parking lot. Attorney Aithal stated that in terms of liability the borough’s exposure is minimal for permitting ongoing parking, but the concern is the environmental issue where the liability is not limited (oil on grass). He does feel that there are no direct liability issues that the borough has to be concerned about.

Mayor DiMura concern is the borough has been dealing with this issue in 2014, 2015 and 2016 and although we are looking to work with them, we do need to put a realistic deadline on this matter. He mentioned that once the application is approved by the Board, they have 2 years to complete the proposed work. The Mayor also stated that the board application has two components, one is for the expansion of the parking lot and the other is for the building. Attorney Aithal recommended that the Council may wish to consider sending a letter to the Board that they request that the applicant make a phased development, which would require the applicant to make Phase 1 the parking lot, which would require that it be done first. Mayor DiMura suggested that a letter be sent to the Board and place this matter back on the agenda in 90 days.

5. Summer Community Event – Mayor DiMura mentioned that this event is tentatively scheduled for July 23, 2016. Mayor DiMura and Councilman Mikolajczyk will meet to discuss this event further.
6. Construction Official/Fire Building Sub Code Official & Inspector Positions – The Mayor indicated that the Construction Official has resigned and we need to advertise for this position as soon as possible. At this time we have the Building Inspector covering for this position, but a review of the department will be done to look into all options. A consensus of council was taken to advertise for the two positions.

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## PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

**Resolution #75-16**

**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. Interviews for Captain Position
2. Administrator Position
3. Plumbing Inspector Position

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan (Absent)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Borough Clerk read the following resolution:

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

**Resolution #76-16**

**WHEREAS**, the position of Captain at the Borough is vacant; and

**WHEREAS**, the Borough Council has authorized the interview of candidates to fill said position; and

**WHEREAS**, Lieutenant Michael Colacci has met the qualifications and standards to fill such position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Lieutenant Colacci be and is hereby promoted and offered the position of Captain effective March 23, 2016 at an annual salary of \$127,814.00.

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

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**ADJOURNMENT**

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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

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
MARCH 29, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of March 15, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted on the Middlesex Borough Website and at the Municipal Building.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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Mayor's Comments:

At our Public Meeting in February I heard input from the members of the business community concerning the sewer ordinance. The main issues were (1) the surcharge is going back down to zero, (2) making sure everybody has same threshold, and (3) do we have a plan. So what I am proposing tonight is fair. The lower users will still have a 25% reduction. The bigger users will have an increase. We no longer can kick that can down the road. This is important thing to be done to improve our infrastructure. We will than start to see our cost flows and other parts go down. If we don't do this, we are putting the community in jeopardy. This is not just about the businesses but about the community and fixing the infrastructure. If we keep on kicking that can down the road we're going to have a major breakdown and then we're all going to be complaining about the cost because we have no plan and will have to do it on an emergency basis. Again what is being proposed tonight is fair. The lower users based on what you were billed last year will still have a 25% reduction. Bigger uses will have increases because they are the one's putting pressure on the system. This is a user charge and it's going to supplement our sewers. The revised proposed amendment to the sewer ordinance is listed below. Any user who discharges more than 120,000 gallons of domestic sanitary waste water per year will be charged as follows:

Tier	Gallons/Year	Rate Per Gallon (100's)
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I	1-120,000	N/A
II	120,001-1,000,000	0.699 (from 120,001 gallon of use)
III	1,000,001-5,000,000	0.510 (from 120,001 gallon of use)
IV	5,000,001-20,000,001 up	0.475 (from 120,001 gallon of use)
V	20,000,001 up	0.400 (from 120,001 gallon of use)

In addition to the prevailing MCUA rates applicable (from 120,001 gallons of use), the user charges shall be due and payable semiannually on May 1 and November 1 of each year. Unless actual flows are provided by user, sewer user charges for the current year shall be based upon the water consumption for the immediately preceding year.

Estimated Annual Sewer Costs

Including Flow, Annual Operations and Expenses, Maintenance and Improvements

MCUA Flow Fees	\$1,300,000
Piscataway Fees	300,000
Annual Operation and Expenses	500,000
Estimated Maintenance and Improvements	1,000,000
<b>TOTAL</b>	<b>\$3,100,000</b>

Annual Revenue Breakdown

Total Revenue from Residential:	\$1,860,184	60%
Total Revenue from Commercial, Industrial & Apartments:	\$1,239,816	40%

Majority of the council members were in favor of the ordinance with the exception of Councilman Madden who would like to see (1) The usage dropped to 80,000 gallons because at 120,000 gallons you're only getting 323 households out of the 4,200. Councilman Madden feels it would be more prudent to have more of the households participate or have an additional charge for capital improvements and or service fee. (2) Also the rate structure should be in 1,000 gallons. It's easier for all of the residents to measure in 1,000 gallon increments, and (3) It would foster conservation. A full consensus of the Council was to introduce this on tonight's meeting.

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The Borough Clerk read Ordinance No. 1889-16 for introduction.

**ORDINANCE NO. 1889-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 332 SEWERS, ARTICLES II, III & IV**

**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:

**Subsection § 332-33 shall be amended as follows:**

Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine of not exceeding \$500 or imprisonment not exceeding 30 days for each offense or both; and each day such violation shall be continued shall be deemed and taken to be a separate and distinct offense.

**Subsection § 332-38 B shall be amended as follows:**

- (1) Pursuant to provisions of N.J.S.A. 40A:26A-11, the fee to connect to a public sanitary sewer for developments approved after the effective date hereof is established as follows:
  - (a) Single-family residential use. Each single-family dwelling shall be charged a \$750 connection fee per dwelling for all new connections to the sanitary sewer system.
  - (b) Multifamily residential use. Each apartment, condominium or townhouse unit shall be charged a \$1,000 connection fee for each new dwelling unit. A new dwelling unit shall be defined as having its own kitchen facilities.
  - (c) Commercial use. Each commercial use shall be charged a minimum connection fee of \$1,500 for each new 400 gallons estimated annual daily average flow or fraction thereof as determined by the Borough Engineer based upon data and information supplied to the Borough by the applicant and the results of any investigation by the Borough into actual meter reads or other available information regarding the estimated annual daily average flow for the proposed use. In no event shall the connection fee for any commercial use be calculated at less than .0125 gallons per day for each square foot of occupancy.
  - (d) Industrial use. For any change of use of a property, and any change in occupancy, each industrial use shall be charged a minimum connection fee of \$2,000 for every 400 gallons estimated annual daily average flow or fraction thereof as determined by the Borough Engineer based upon data and information supplied to the Borough by the applicant and the results of any investigation by the Borough into actual meter reads or other available information regarding the estimated annual daily average flow for the proposed use. In no event shall the connection fee for any commercial use be calculated at less than .0125 gallons per day for each square foot of occupancy.

(g) Developments receiving final approvals prior to May 1, 2016 shall be subject to the connection fees under Ord. No. 1567.

**Subsection § 332-39 shall be amended as follows:**

Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or imprisonment not exceeding 30 days for each offense, or both.

Subsection § 332-41 B shall be amended as follows:

“Industrial and commercial” includes users, except residential users introducing less than 120,000 gallons per annum (gpa) of domestic sanitary wastes, regardless of the discharge volume.

**Subsection § 332-41 C shall be amended as follows:**

“Residential” includes single and multifamily dwellings comprised of two or more individual residential units on any single tax lot, including garden apartments, which introduce no more than an aggregate of 120,000 gallons per annum (gpa) of domestic sanitary wastes.

**Subsection § 332-41 D. (1) through and including D. (9) shall be deleted in its entirety.**

**Subsection § 332-42 shall be amended as follows:**

Tax exempt and industrial and commercial users introducing more than 120,000 gallons per annum of waste water discharge shall be invoiced directly for their use of the sewage treatment system. Sewer user charges shall continue to be charged to all users through ad valorem taxes rather than through direct sewer use charges for the first 120,000 gallons per annum of waste water discharged introduced. Thereafter, charges under § 332-43 hereunder shall be in addition to the amounts charged under their ad valorem taxes.

**Subsection § 332-43 C. (4) shall be amended as follows:**

(4) Unless actual metered waste water discharge is available, sewer user charges hereunder shall be based upon the water flow for the immediately preceding year. The first 120,000 gallons of waste water discharge per annum for all users shall not be subject to the service charge hereunder, except that any user that exceeds 120,000 gallons of waste water discharge in any calendar year shall be subject to the sewer charge hereunder for all waste water discharge. All users which discharge more than 120,000 gallons of domestic sanitary waste water per annum, in addition to the prevailing MCUA rates applicable to non-residential users for BOD, SS and CI, shall be charged a service charge for flow as follows:

(a) Service charge for flow.		
Tier:	Gallons/Year	Rate Per Gallon (100s)
I	1-120,000	N/A
II	120,001 – 1,000,000	0.699

III	1,000,001 – 5,000,000	0.510
IV	5,000,001 – 20,000,000	0.475
V	20,000,001 +	0.400

(b) Except as provided in § 332-41, as may be amended, all structures or properties which discharge more than 120,000 gallons of domestic sanitary wastewater per annum shall be charged the rates charged by the Middlesex County Utilities Authority for BOD, SS and Cl, above, and a service charge for flow categorized as section 4(a), above, for the flow amount exceeding 120,000 gallons per annum.

(c) **DELETED IN ITS ENTIRETY.**

**Subsection § 332-44 shall be amended as follows:**

Any dispute as to the billing or charges so determined by § 332-43 as to the amount of the bill or the calculation thereof may be appealed as follows:

- A. To a panel of the Borough of Middlesex made up of the Borough Engineer, the Borough's Engineering Consultant, a Representative of the Department of Public Works appointed by the Mayor, a Resident of the Borough appointed by the Mayor, a Business Owner appointed by the Mayor, where such business is located in the Borough of Middlesex and the Mayor or his/her designee.
- B. Said appeal shall be in writing, and shall include, in sufficient detail, the relief sought and the evidence, information or documents to support the relief sought. Relief shall be granted if a minimum of four (4) members of the panel agree upon such relief. The decision of the panel shall be final and binding.
- C. All appeals must be filed within one hundred eighty (180) days of dispatch of such billing or charge sought to be appealed.
- D. No appeal shall be considered by the panel, and an appeal shall not be considered as filed, unless payment of the entire sewer bill, including any disputed amounts, is made and received by the Borough in full.
- E. Any disputed amounts successfully appealed shall be applied as credit to future sewer bills.

**Subsection § 332-45 shall be amended as follows:**

Whenever actual readings of sewage flow are available, those readings shall be used in determining flow charges. All industrial users shall be monitored for actual flow. Where actual readings of sewage flow are unavailable, flow will be estimated by any of the following ways:

- A. By taking 100% of the average water flow and/or other meter reading for the immediately preceding year. Credit for water not discharged into the sanitary sewer may be given to the user by the Borough if the user presents proof satisfactory to the Borough which established the amount of water not discharged.

- B. The volume of sewage and/or waste from each user may be determined by meters paid for and installed by users and records combined with municipal and/or private company water records or from estimates of measurements made by representatives of the municipality.

**Subsection § 332-48 shall be amended as follows:**

Any user objecting to any estimate of flow or strength hereunder shall have the option, at its own expense and cost, of installing metering equipment and sampling devices on its discharge lines to record actual flow and strength readings. The metering equipment used its installation and the location of installation and method of sampling shall all be subject to review and approval by the Borough of Middlesex or its designated representative. On an annual basis, the Borough of Middlesex, or its designated representative shall confirm the certified meter reading or sampling results by means of an on-site inspection. Any user electing to install metering equipment and/or sampling devices shall pay an annual inspection fee to the Borough of Middlesex in the amount of \$100, which amount shall be added to any fees and charges under § 332-43, hereunder. In the event metering equipment or sampling devices are installed, such readings of actual flow and strength readings shall only become applicable for purposes of determining any charges under § 332-43 when one full calendar year of metering and/or sampling have been collected. By way of example, if a user installs such equipment or devices in July 2016, the charges under § 332-43 shall be based upon metering and samplings collected during the entirety of year 2017, which amounts are billed and payable in 2018. Nothing herein shall prohibit a user from appealing or disputing billing or charges as permitted under § 332-44, hereunder.

**Subsection § 332-51 shall be amended as follows:**

The user charges established and provided for herein shall be due and payable semiannually on May 1 and November 1 of each year. Unless actual flows are provided by user, sewer user charges for the current year shall be based upon the water consumption for the immediately preceding year.

**Subsection § 332-63 shall be amended as follows:**

Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500. Each day such violation shall have occurred or has continued shall be deemed and taken to be a separate and distinct offense.

**SECTION TWO.** The effective date of these changes shall be January 1, 2016 upon adoption of this Amendment to the Ordinance and shall apply to all sewer user charges under Article III, commencing with the calculated usage, flow and/or charges reflected in billings to users dispatched thereafter.

**SECTION THREE.** 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 FOUR.** This Ordinance may be renumbered for codification purposes.

**SECTION FIVE.** 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 SIX.** This Ordinance shall take effect after passage and publication as provided by law.

Councilman Schueler made a motion for introduction of Ordinance No. 1889-16 seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the public portion of the meeting for any comments.

Richard Malt, 309 D Street and 201 Lincoln Blvd. – After reviewing the ordinance Mr. Malt felt that we've come a long way. His concern was that we keep the revenue to sewer infrastructure. Also he questioned whether the money could be kept from year to year in the budget.

Mayor stated that there would be a separate line item for sewer infrastructure and the money in that line item would stay in there unless needed to use for approved sewer infrastructure improvements.

Mr. Malt also asked what the Borough to do with the residents who have wells. He felt they should be charged at the 140,000 gallons. Mayor noted that this needs to be reviewed but they could always put a meter on the well if they choose.

John Ellery, 701 Lincoln Blvd. – Mr. Ellery agreed with Mr. Malt regarding getting the amendment to sewer ordinance completed and asked if there would be any credits for the last couple of years. Mayor DiMura said that no the Borough would not go back any give any credits.

Richard Malt, 309 D Street and 201 Lincoln Blvd. remarked that he disagrees with Subsection 332-44 (E) "Any disputed amounts successfully appealed shall be applied as credit to future sewer bills." Mr. Malt stated first you have to pay the whole bill before you appeal it. If the owner wins the appeal, he feels the owner should be entitled to a cash refund.

Mayor DiMura asked the council members how they feel about amending the ordinance and a majority of the council as well as the Mayor agreed to allow for a cash refund. Councilman Mikolajczyk also requested that we reduce the 180 days of which all appeals are to be filed to 90 days.

Attorney Aithal stated that the ordinance would need to be amended to reflect the changes.

Councilman Schueler made a motion to amend Ordinance 1889-16 reflecting the changes below seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

Subsection 332-44 (C) be changed to read "All appeals must be filed within ninety (90) days of dispatch of such bill or charge sought to be appealed."

Subsection 332-44 (E) **BE DELETED IN ITS ENTIRETY.**

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Seeing no further public participation, the Mayor closed the public portion of the meeting.

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## **ADJOURNMENT**

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

## **PROPOSED SEWER AMENDMENTS**

- 1. Middlesex Borough Slip Lining Summary - This estimate is based on the slip lining projects identified by our sewer department. The estimated cost of the project is \$3.7 Million.**
  
- 2. Middlesex Borough Removal and Replacement of Sewer Mains - This estimate is based on roads identified by our sewer department. The estimated cost for this project is \$1.8 Million.**
  
- 3. Middlesex South Avenue Pump Station - Construction of a new pump station and force main on South Avenue in order to eliminate the interconnection with the Township of Piscataway. The estimated cost for this project is \$4.3 Million.**
  
- 4. Middlesex Rehabilitation of two Pump Stations - The removal and replacement of the Louis Avenue and Green Brook Road Lift Stations. The NJDEP identified these stations in need of emergency backup and bypass connections. The stations are more than 30 years old. The estimated cost for this project is \$1.1 Million.**

**Total Estimates: \$10.9 Million**



**Estimated Annual Sewer Costs**

**Including Flow, O&E, Maintenance and Improvements**

**Option#1**

<b>MCUA Flow Fees</b>	<b>\$1,300,000</b>
<b>Piscataway Fees</b>	<b>\$300,000</b>
<b>Annual Operation and Expenses</b>	<b>\$150,000</b>
<b>Estimated Maintenance and Improvements</b>	<b>\$1,000,000</b>
<b>Total:</b>	<b>\$2,750,000</b>

**Option#2**

<b>MCUA Flow Fees</b>	<b>\$1,300,000</b>
<b>Piscataway Fees</b>	<b>\$300,000</b>
<b>Annual Operation and Expenses</b>	<b>\$150,000</b>
<b>Estimated Maintenance and Improvements</b>	<b>\$750,000</b>
<b>Total:</b>	<b>\$2,500,000</b>

**Option#3**

<b>MCUA Flow Fees</b>	<b>\$1,300,000</b>
<b>Piscataway Fees</b>	<b>\$300,000</b>
<b>Annual Operation and Expenses</b>	<b>\$150,000</b>
<b>Estimated Maintenance and Improvements</b>	<b>\$500,000</b>
<b>Total:</b>	<b>\$2,250,000</b>

**Highlights of the Proposed Amendments**

to the Sewer Ordinance

**Connection Fees:**

Use	Old	New
Single Family Residential	\$400.00	\$1000.00
Multi-Family Residential	\$400.00	\$1000.00/unit
Commercial	\$800.00	\$3000.00
Industrial	\$1000.00	\$5000.00

**Sewer Use Charge**

Any user which discharges more than 40,000 gallons of domestic sanitary waste water per quarter will be charged as follows:

Tier	Gallons/ Quarter	Rate Per Gallon (100's)
I	1 - 40,000	N/A
II	40,001 -125,000	0.401 (from 1 <sup>st</sup> gallon of use)
m	125,001 - 250,000	0.435 (from 1 <sup>st</sup> gallon of use)
IV	250,000 + (max. amount of 11,250,000)	0.475 (from 1 <sup>st</sup> gallon of use)

In addition to the prevailing MCUA rates applicable

All users shall receive a credit for the charges which are included in their ad valorem taxes.

## Appeals Process

- A. To a panel of the Borough of Middlesex made up of the Borough Engineer or the Borough's Engineering Consultant, a Representative of the Department of Public Works, appointed by the Mayor, a Resident of the Borough appointed by the Mayor, a Business Owner, appointed by the Mayor, where such business is located in the Borough of Middlesex and the Mayor or his/her designee.
- B. Said appeal shall be in writing, and shall include, in sufficient detail, the relief sought and the evidence, information or documents to support the relief sought. Relief shall be granted if a minimum of four (4) members of the panel agree upon such relief. The decision of the panel shall be final and binding.
- C. All appeals must be filed within ninety (90) days of dispatch of such billing or charge sought to be appealed.
- D. No appeal shall be considered by the panel, and an appeal shall not be considered as filed, unless payment of the entire sewer bill, including any disputed amounts, is made and received by the Borough in full.
- E. Any disputed amounts successfully appealed shall be applied as credit to future sewer bills.

**The user charges shall be due and payable semiannually on April 1 and October 1 of each year. Unless actual flows are provided by user, sewer user charges for the current year shall be based upon the water consumption for the immediately preceding year.**

**Middlesex Borough's Taxable Values**

<b><u>Residential and Vacant Land:</u></b>	<b>\$395,876,100</b> 79.9%
<b><u>Commercial. Industrial &amp; Apartments:</u></b>	<b>\$99,537,000</b> 20.1%
<b><u>Total Tax Value:</u></b>	<b>\$495,413,100</b> 100%

**Sewer Revenues Needed Annually**

Approximate Annual Revenues from sewer surcharge:	\$1,000,000
Additional Revenues generated through taxation:	\$1,750,000 (option#1)
	\$1,500,000 (option#2)
	\$1,225,000 (option#3)

**Annual Revenue Breakdown**

**Approximate Revenue from Sewer Surcharge**

<b><u>Residential and Vacant Land:</u></b>	<b>\$93,000</b>
<b><u>Commercial. Industrial &amp; Apartments:</u></b>	<b>\$907,000</b>
<b>Total:</b>	<b>\$1,000,000</b>

**Approximate Revenue from Taxation**

<b><u>Residential and Vacant Land:</u></b>	<b>\$1,398,250</b>
<b><u>Commercial. Industrial &amp; Apartments:</u></b>	<b>\$351,750</b>
<b>Total:</b>	<b>\$1,750,000</b>

<b><u>Total Revenue from Residential and Vacant Land:</u></b>	<b>\$1,491,250</b>	<b>54%</b>
<b><u>Total Revenue from Commercial. Industrial &amp; Apartments:</u></b>	<b>\$1,258,750</b>	<b>46%</b>

**Approximate Flow Percentages**

<b><u>Residential and Vacant Land:</u></b>	<b>63%</b>
<b><u>Commercial. Industrial &amp; Apartments:</u></b>	<b>37%</b>

Examples

User	2015	Projected 2016	Decrease
Bar & Rest.	\$2674.44	\$1755.02	35% decrease
Restaurant #1	\$3079.82	\$2026.32	34% decrease
Restaurant#2	\$5727.70	\$3962.80	30% decrease
Cleaners	\$5362.06	\$4528.38	30% decrease
Industrial	\$3299.69	\$2566.39	22% decrease
Industrial	\$1483.32	\$1183.96	20% decrease
Auto Repair Shop	\$1457.50	\$1118.45	23% decrease

**The majority of the users in Tiers 2 & 3 will see a decrease in 2016.**

**&**

**The majority of the users in Tier 4 will see an increase in 2016.**

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
APRIL 12, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS-NONE**

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**APPOINTMENTS**

Mayor DiMura swore in Lieutenant Colacci to the rank of Captain of Police and congratulated him on his promotion. Chief Geist also congratulated Captain Colacci on this promotion and thanked the Mayor and Council for their continual support that they have given to the Middlesex Police Department.

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**PROCLAMATIONS**

The Borough Clerk proclaimed April 29, 2016 as "Arbor Day"

**PROCLAMATION**

**WHEREAS**, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

**WHEREAS**, half of New Jersey's total land area is forested or tree covered; and

**WHEREAS**, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the

water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

**WHEREAS**, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

**WHEREAS**, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

**WHEREAS**, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

**NOW, THEREFORE, I, RONALD J. DIMURA**, Mayor of the Borough of Middlesex, do hereby proclaim April 29, 2016, as

### **ARBOR DAY**

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

**FURTHER**, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

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The Borough Clerk proclaimed the Month of April as Sexual Assault Awareness Month and the observation of "Denim Day" on Wednesday, April 27, 2016

### **PROCLAMATION**

**WHEREAS**, Sexual Assault Awareness Month and the observance of "Denim Day" are intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Middlesex County including lifelong mental health impact; and

**WHEREAS**, sexual assault, sexual abuse, and sexual harassment impact our community as seen by statistics indicating 1 in 4 girls and 1 in 6 boys are sexually assaulted before age 18; and

**WHEREAS**, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

**WHEREAS**, staff and volunteers of anti-violence and prevention programs in Middlesex County including the Middlesex County Center for Empowerment and Sexual Violence Prevention Coalition encourage every person to speak out when witnessing acts of violence, however small, and to challenge the social constructs that continue to perpetuate a culture of violence; and

**WHEREAS**, the New Jersey Sex Crimes Officers Association and the Middlesex County Sex Crimes Liaison Officers in connection with the Middlesex County Prosecutors Office are

dedicated to ensuring the effective investigation and prosecution of sex crimes in our community through interagency collaboration and training; and

**WHEREAS**, with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in Middlesex County through prevention education focused on increasing gender equity and bystander intervention, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

**WHEREAS**, throughout the month of April, Middlesex County strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

**NOW, THEREFORE**, I, Ronald J. DiMura, Mayor of the Borough of Middlesex, along with the members of the governing body do hereby proclaim April, 2016 as:

### **SEXUAL ASSAULT AWARENESS MONTH**

And that we join anti-sexual violence advocates and support service programs in the belief that all community members must be part of the solution to end sexual violence and encourage the observation of Denim Day on Wednesday, April 27, 2016.

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### **PUBLIC HEARING**

Mayor DiMura opened the Public Hearing on the 2016 Municipal Budget. Seeing that there are no public participation, Mayor DiMura closed the hearing on the 2016 Municipal Budget.

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The Borough Clerk read the following resolution:

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

### **Resolution #77-16**

**BOROUGH OF MIDDLESEX  
MIDDLESEX COUNTY, NEW JERSEY  
RESOLUTION TO AMEND BUDGET**

WHEREAS, the local municipal budget for the year 2016 was approved on the 8th day of March, 2016, and;

WHEREAS, the public hearing on said budget has been held as advertised, and;

WHEREAS, it is desired to amend said approved budget;



NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, County of Middlesex, that the following amendments to the approved budget of 2016 be made:

	Ayes	Nays	Abstained
	(Greco	(	(
Recorded Vote	( Kaplan	(	(
(Insert last names)	( Corley	(	(
	(Madden		(
			Absent
	(Schueler		(
	(Mikolajczyk		(
			(

**CURRENT FUND - ANTICIPATED REVENUES**

	From	To
<b>1. Surplus Anticipated</b>	1,626,393.06	1,618,212.06
<b>3. Miscellaneous Revenues - Section F: Special Items Offset with Appropriations Public and Private Revenues</b>		
Older American Act - Info Assistance	0.00	6,500.00
Older American Act - Transp Assistance	0.00	10,000.00
<b>Total Section F: Special Items Offset with Appropriations-Public &amp; Private Revenue</b>	56,860.93	73,360.93
<b>Total Miscellaneous Revenues</b>	4,060,112.28	4,076,612.28
<b>5. Subtotal General Revenues</b>	6,311,505.34	6,319,824.34
<b>7. Total General Revenues</b>	18,649,851.75	18,658,170.75

**CURRENT FUND APPROPRIATIONS**

	From	To
<b>(A) Operations - within "CAPS"</b>		
Computer Data Service		
Other Expenses	150,700.00	157,900.00
<b>Total Operations {Item 8(A)} within "CAPS"</b>	11,417,171.00	11,424,371.00
<b>Total Operations Including Contingent within "CAPS"</b>	11,445,171.00	11,452,371.00
<b>(H-1) Total General Appropriations for Municipal Purposes within "CAPS"</b>	12,689,999.00	12,697,199.00
<b>Public and Private Programs Offset by Revenue</b>		
Older American Act - Info & Transp Assistance	15,381.00	16,500.00
<b>Total Public and Private Programs Offset by Revenues</b>	72,241.93	73,360.93
<b>Total Operations Excluded from "CAPS"</b>	2,552,757.89	2,553,876.89
<b>(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"</b>	5,084,852.75	5,085,971.75
<b>(O) Total General Appropriations-Excluded from "CAPS"</b>	5,084,852.75	5,085,971.75
<b>(L) Subtotal General Appropriations {Items (H-1) and (O)}</b>	17,774,851.75	17,783,170.75
<b>(M) Reserve for Uncollected Taxes</b>		

**9. Total General Appropriations**

18,649,851.75

18,658,170.75

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2016 local municipal budget so amended.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. 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 #78-16**

BOROUGH OF MIDDLESEX

COUNTY OF MIDDLESEX

RESOLUTION TO ADOPT 2016 MUNICIPAL BUDGET

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 11,869,410.80 (Item 2 below) for municipal purposes
- (e) \$ 468,935.61 (Item 5 below) Minimum Library Tax

Recorded Vote  
(Insert last name)

Ayes	Greco		(
	Kaplan	(	Abstained (
	Corley	(	(
	Madden	Nays (	
	Schueler	(	(
	Mikolajczyk		Absent (

Current Fund:

SUMMARY OF REVENUES

1. General Revenues

Surplus Anticipated	\$ 1,618,212.06
Miscellaneous Revenues Anticipated	4,076,612.28
Receipts from Delinquent Taxes	625,000.00
2. Amount to be Raised by Taxation for Municipal Purposes (Item 6[a], Sheet 11)	11,869,410.80
5. Amount to be raised by taxation minimum library levy	468,935.61
	<hr/>
Total Revenues	\$ 18,658,170.75
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SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
(a&b) Operations Including Contingent	11,452,371.00
(e) Deferred Charges and Statutory Expenditures - Municipal	1,244,828.00
(f) Judgments	
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded from "CAPS"	2,553,876.89
(c) Capital Improvements	65,000.00
(d) Municipal Debt Service	2,331,833.56
(e) Deferred Charges - Municipal	135,261.30
(m) Reserve for Uncollected Taxes	875,000.00
	<hr/>
Total Appropriations	\$ 18,658,170.75
	<hr/> <hr/>

Swimming Pool Utility Fund:

Total Revenues	\$ 513,744.10
	<hr/> <hr/>
Total Appropriations	\$ 513,744.10
	<hr/> <hr/>

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 12th day of April, 2016. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2016 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

Mayor DiMura thanked everyone, including the Finance Committee and governing body, that worked together on the budget. The Mayor stated that the budget has a 2.13 increase, which amounts to an increase of \$48.00 on the average home. We are able to also keep services at the level we want and also reinvest in our community, and infrastructure. Mayor DiMura stated that by working together this shows what we can achieve.

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### **ADOPTION OF MINUTES**

Councilman Mikolajczyk made a motion to approve the March 22 2016 Regular Meeting Minutes and Executive Session Meeting Minutes and the March 29, 2016 Special Meeting Minutes seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. Nos: None. Abstain: Kaplan.

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler reported that Finance had accomplished what needed to be done to adopt the budget.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Councilman Kaplan moved to accept Ryan Shepherd as an active member of the Middlesex Fire Department seconded by Councilman Madden and carried by a unanimous vote of Council.
  - B. Councilman Kaplan moved the approval of Al Kriney as a qualified driver of Truck 24 seconded by Councilman Schueler and carried by a unanimous vote of Council.
  - C. Councilman Kaplan reported that the Fire Department Carnival is scheduled for April 18 – April 23 at Mountain View Park.
  - D. Councilman Kaplan stated that the Middlesex Borough Fire Department is requesting the use of two dump trucks and one pickup truck from the borough DPW on April 17, 2016 for carnival set up as well as April 24, 2016 for carnival break down. The department is also requesting permission to use the snow fencing from April 17<sup>th</sup> through the 24<sup>th</sup>. Lastly, the department would like permission to use a garbage truck on April 22<sup>nd</sup> and 23<sup>rd</sup> for garbage removal. Council approved this request.

- E. Councilman Kaplan also reported that this past weekend the Fire Department had training with a live burn from 10AM – 3PM. Councilman Kaplan thanked the Fire Chiefs involved for putting together a great program.
- 4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
  - 5. Police/Legal/Code Enforcement/Construction/Municipal Court
    - A. Councilman Mikolajczyk congratulated Captain Colacci and reported that we look forward to great things. We had a councilmatic committee meeting on April 4<sup>th</sup> to update and review transition plans and upcoming events and programs. Several items were discussed and will be brought forward as they are finalized.
    - B. Councilman Mikolajczyk also stated that he did attend the Fire Departments “Live Burn” this past Sunday. Very impressive. I would like to note that the 3<sup>rd</sup> party instructor was impressed with Middlesex Fire Departments High level of participation.
    - C. In regard to construction Councilman Mikolajczyk stated that he and Mayor Dimura met last Friday for a status review of the construction department. Several items are to be discussed in executive session.
    - D. Lastly, Councilman Mikolajczyk reported that he met with Mayor Dimura regarding our planned Middlesex Borough Community Day. The date is July 23<sup>rd</sup> with a rain date of July 24<sup>th</sup>. We are planning on an event starting at one and ending with fireworks at dusk. Our initial plan is for events for children, live entertainment, food vendors, a beer garden and fireworks. We plan on soliciting our local businesses and organizations for participation. Details will be coming out shortly.
  - 6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent
    - A. Councilman Greco reported that the Community Input Session regarding the possible building of a new school has been rescheduled for April 14<sup>th</sup> at 7PM at Watchung School. A tour of the Watchung School building will be held at 6:30PM.

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## REPORTS

### **Mayor**

- 1. Mayor DiMura reported that the Borough received the New Jersey Department of Transportation Grant for the Municipal Aid Program for Warrenville Road Improvements in the amount of \$353,700.

2. Mayor DiMura met with the county and was informed that they will be paving Lincoln Boulevard and dealing with drainage along the boulevard, and repaving Raritan Avenue and River Road from the train tracks to Lincoln Boulevard.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(G)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #82-16 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 #79-16 – Resolution #81-16

Resolution #83-16 – Resolution #84-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #79-16**

**RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE  
2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT**

**WHEREAS**, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State's water supplies and other significant resources; and

**WHEREAS**, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey State Senate and New Jersey State Assembly; and

**WHEREAS**, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process.

**WHEREAS**, Middlesex Borough is a municipality that receives all or portion of its drinking water from sources within the Highlands Region; and that Middlesex Borough relies on the resources of the Highlands to meet the current and future needs of its residents.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of Middlesex Borough wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

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The Borough Clerk read the following resolution:

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

**Resolution #80-16**

**WHEREAS**, the residents of 300 Greene Avenue have requested to have a block party on Delaware Avenue between Greene Avenue & Melrose Avenue on May 28, 2016 between the hours of 11 a.m. and 9 p.m.; and

**WHEREAS**, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of 300 Greene Avenue, to conduct a block party on Delaware Avenue between Greene Avenue & Melrose Avenue on May 28, 2016 between the hours of 11 am. and 9 p.m.
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #81-16**

The governing body hereby declares the following expired Police Department Ballistic Vests surplus and approve the transfer of these vests to the United States Marine Corps Recruiting Station for their training purposes:

Serial No.	Manufacture Date	Serial No.	Manufacture Date
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1408278538	8/27/14	031315	9/26/11
034842	11/18/11	000530	1/25/10
000919	2/2/10	00917	2/2/10
00927	2/3/10	000926	3/1/10
008611	8/4/10	10072238	10/25/07
10072236	10/25/07	01060049	1/04/06
01060047	1/04/06	01060048	1/04/06
0206502	2/13/06	05044963	5/14/04
05044963	5/14/04	08046158	5/20/04
08046158	5/20/04	05046157	5/20/04
11040685	11/04/04	11040686	11/04/04
11040687	11/04/04	11040688	11/04/04
11040689	11/04/04	11040690	11/04/04
11041126	11/09/04	06030720	6/06/03
06030721	6/06/03	06030722	6/06/03
03024134	3/21/02	03024653	3/25/02
08021658	8/14/02	0802659	8/14/02
007679	N/A	04011842	4/01/01
000531	N/A	04011843	4/01/01
0687969	4/01/92	0394352	1/1/89
0394349	3/01/89	0690042	6/01/89
0690058	6/1/89	0690049	6/1/89
50-52L	N/A	01025089-PP	N/A
1186066	N/A		

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The Borough Clerk read the following resolution:

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

**Resolution #83-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$16,411.30 to redeem tax sale certificate #2015-1854, Block 171, Lot 43, 421 Decatur Avenue. Check is to be made payable to:

FWDSL & Associates LP  
17 W Cliff St  
Somerville, NJ 08876

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The Borough Clerk read the following resolution:

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

**Resolution #84-16**



The Tax Collector is hereby authorized to refund Sanitary Sewer Use Charges on Block 132, Lot 1, 201 Lincoln Blvd. The additional flow reported to the Borough by the MCUA was incorrect. The appeal committee reviewed the documentation and is recommending a refund in the amount of \$4,467.13.

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The Borough Clerk read the following resolution:

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

**Resolution #85-16**

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 Madden and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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**PUBLIC COMMENTS**

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

Anthony Cole, 246 Oak Drive, Vice Chairman of the Municipal Alliance expressed his concern that they will be holding the National Night out on the first Tuesday in August and because the Middlesex Day is right before the National Night Out, the residents might make a choice of which event that they will attend and it might affect the attendance at this event.

Mayor DiMura spoke with Chief Geist and they both felt that they are two separate events and that one event should not affect the other.

Dave Oliver, 216 Ashland Road thanked Councilman Kaplan for working on the cleanup of the streams in the borough over the last couple years. Mr. Oliver also mentioned that there are 3 – 4 trees on Raritan Avenue in danger of coming down and in regard to the brook, under the bridge we have trees that have been washed out from the creek rising and several are about to come down, which will be a mess if we have summer floods.

Councilman Kaplan mentioned that he has forwarded pictures to the Mayor of this area, and that this is currently being worked on. Mayor DiMura also stated that we will continue the stream cleaning project and this will be a priority area.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Social Media – Councilman Greco stated that his committee is working with 3 vendors and is getting pricing for redoing the website. The three vendors that are being considered are either working with government or public relations and can offer borough information via the website, and also via twitter, nixle, facebook, podcasts and the ability to offer bill pay online. Councilman Greco will forward information to Council to review and would like to get feedback from Council by next week, so that the Administrative Committee can meet and have a presentation for council to see. Mayor DiMura requested to meet with Councilman Greco after his Administrative Committee Meeting and has requested that the Administrative Committee have a presentation of vendors at the May 10, 2016 Regular Meeting.
2. 2016 Capital Budget – Mayor DiMura gave council breakdown of the Capital Budget and indicated that the first page of the capital budget will be coming out of the fund balance, and we do not have to go out for new debt for those items. The second page (\$591,000) is what would be bonded. Councilman Schueler stated that we should consider Pierce is in need of new fire truck, and Mayor DiMura was looking to put money into this year's capital budget and purchase a vehicle next year. Mayor DiMura spoke with Council President Kaplan today who suggested leasing a fire vehicle (5, 7 or 10 years) and not including this in the capital budget. The cost to lease for 7 years will be \$96,000 per year with 2.95% interest and for 10 years it will be approximately \$70,000 per year with a 2.69% interest rate. At the end of the lease the borough can purchase the vehicle for \$1. Mayor suggested that this might be a better way to finance this vehicle, as if the vehicle is purchased in the early part of next year the first payment would not be until May, 2018. This also would enable us to reduce the budget by \$200,000, and we would only need to bond approximately \$400,000, getting better control of our debt service. Council approved moving forward on the financing of the fire truck and the governing approved moving forward with the capital budget at the April 26, 2016 Regular Meeting.
3. 2016 Road Projects - Mayor DiMura submitted to council copies of the list of road for the 2016 Road Projects to be completed. Mayor DiMura feels that we should continue to submit Shepherd, Ashland and Walnut for the NJDOT Grant Funds. Mayor DiMura will reach out to Mayor Wahler to discuss Sherman Avenue and work with Piscataway to possibly mill and pave jointly. Mayor DiMura requested that Council submit any additional street recommendations to him before the next meeting, so that we can move forward.
4. Von E. Mauger School Playground – Mayor DiMura mentioned that he had a call from a teacher at Von E. Mauger School that received a \$10,000 grant for a Special Needs Playground at the School. The cost of the project is approximately \$33,000 and the

Board of Education is unable to fund the project this year. Mayor DiMura will approach the Elks to see if they can contribute \$3,000 - \$5,000 to this playground and requested council consider contributing \$20,000, which would be funded through reappropriating funds in the 2013 Capital Budget. Council approved and Resolution #82-16 was amended to reflect the change in funding. Mayor DiMura thanked council for this approval and commended the teacher for obtaining this grant.

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The Borough Clerk read the following resolution:

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

**Resolution #82-16**

**WHEREAS**, the 2013 Capital Budget appropriated funds for the purchase of new fire trucks,

**NOW THEREFORE BE IT RESOLVED**, that a portion of the unused balance be re-appropriated for the purchase of Playground Equipment for Von E. Mauger School.

**NOW FURTHER BE IT RESOLVED** that the Treasurer hereby certifies that the funds in the amount of \$20,000.00 are available in Account No. 04-1832-00-1832-74.

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

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**PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Kim Hayes, 331 Dorn Avenue on behalf of the school board and also as a business owner that works with children with disabilities she stated that the district puts a lot of emphasis on developing the special needs program for children from pre-k through 21 and thanked the council for contributing to something so important for families with disabled children.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

**Resolution #86-16**

**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. Plumbing Inspector Position
2. Construction Official Position
3. Fire Official Position
4. Business Administrator
5. Disciplinary Action – Fire Chief

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Borough Clerk read the following resolution:

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

**Resolution #87-16**

**WHEREAS**, the position of plumbing inspector/sub-code official in the Borough is vacant; and

**WHEREAS**, the interviews for this position have been held; and

**WHEREAS**, Michael Rossi, 505 Elizabeth Avenue, Somerset, New Jersey has met the qualifications and standards to fill this position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Michael Rossi be hired part time as the plumbing inspector/sub-code official in the Borough of Middlesex for 6 hours per week at \$39.00/hr. effective April 13, 2016, pending a satisfactory background check.

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

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The Borough Clerk read the following resolution:

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

**Resolution #88-16**

**WHEREAS**, the position of Fire Subcode Official/Fire Inspector in the Borough is vacant; and

**WHEREAS**, the interviews for this position have been held; and

**WHEREAS**, Billy Donnerstag, 105 Wimbledon Square, Hackettstown, New Jersey 07840 has met the qualifications and standards to fill this position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Billy Donnerstag be hired part time as the Fire Subcode Official/Fire Inspector in the Borough of Middlesex for 6 hours per week at \$40.00/hr. effective April 13, 2016, pending a satisfactory background check.

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

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**ADJOURNMENT**

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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

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
APRIL 19, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of April 6, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted on the Middlesex Borough Website and at the Municipal Building.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura	
Council President	Sean Kaplan	
	Stephen Greco	Absent (stuck in traffic)
	Patrick Corley	
	John Madden	
	Bob Schueler	
	Jack Mikolajczyk	
Attorney:	Aravind Aithal	

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**PUBLIC HEARING**

The Borough Clerk read Ordinance No. 1889-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1889-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 332 SEWERS, ARTICLES II, III & IV**

**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:

**Subsection § 332-33 shall be amended as follows:**

Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine of not exceeding \$500 or imprisonment not

exceeding 30 days for each offense or both; and each day such violation shall be continued shall be deemed and taken to be a separate and distinct offense.

**Subsection § 332-38 B shall be amended as follows:**

- (1) Pursuant to provisions of N.J.S.A. 40A:26A-11, the fee to connect to a public sanitary sewer for developments approved after the effective date hereof is established as follows:
  - (a) Single-family residential use. Each single-family dwelling shall be charged a \$750 connection fee per dwelling for all new connections to the sanitary sewer system.
  - (b) Multifamily residential use. Each apartment, condominium or townhouse unit shall be charged a \$1,000 connection fee for each new dwelling unit. A new dwelling unit shall be defined as having its own kitchen facilities.
  - (c) Commercial use. Each commercial use shall be charged a minimum connection fee of \$1,500 for each new 400 gallons estimated annual daily average flow or fraction thereof as determined by the Borough Engineer based upon data and information supplied to the Borough by the applicant and the results of any investigation by the Borough into actual meter reads or other available information regarding the estimated annual daily average flow for the proposed use. In no event shall the connection fee for any commercial use be calculated at less than .0125 gallons per day for each square foot of occupancy.
  - (d) Industrial use. For any change of use of a property, and any change in occupancy, each industrial use shall be charged a minimum connection fee of \$2,000 for every 400 gallons estimated annual daily average flow or fraction thereof as determined by the Borough Engineer based upon data and information supplied to the Borough by the applicant and the results of any investigation by the Borough into actual meter reads or other available information regarding the estimated annual daily average flow for the proposed use. In no event shall the connection fee for any commercial use be calculated at less than .0125 gallons per day for each square foot of occupancy.
  - (g) Developments receiving final approvals prior to May 1, 2016 shall be subject to the connection fees under Ord. No. 1567.

**Subsection § 332-39 shall be amended as follows:**

Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or imprisonment not exceeding 30 days for each offense, or both.

**Subsection § 332-41 B shall be amended as follows:**

“Industrial and commercial” includes users, except residential users introducing less than 120,000 gallons per annum (gpa) of domestic sanitary wastes, regardless of the discharge volume.

**Subsection § 332-41 C shall be amended as follows:**



“Residential” includes single and multifamily dwellings comprised of two or more individual residential units on any single tax lot, including garden apartments, which introduce no more than an aggregate of 120,000 gallons per annum (gpa) of domestic sanitary wastes.

**Subsection § 332-41 D. (1) through and including D. (9) shall be deleted in its entirety.**

**Subsection § 332-42 shall be amended as follows:**

Tax exempt and industrial and commercial users introducing more than 120,000 gallons per annum of waste water discharge shall be invoiced directly for their use of the sewage treatment system. Sewer user charges shall continue to be charged to all users through ad valorem taxes rather than through direct sewer use charges for the first 120,000 gallons per annum of waste water discharged introduced. Thereafter, charges under § 332-43 hereunder shall be in addition to the amounts charged under their ad valorem taxes.

**Subsection § 332-43 C. (4) shall be amended as follows:**

(4) Unless actual metered waste water discharge is available, sewer user charges hereunder shall be based upon the water flow for the immediately preceding year. The first 120,000 gallons of waste water discharge per annum for all users shall not be subject to the service charge hereunder, except that any user that exceeds 120,000 gallons of waste water discharge in any calendar year shall be subject to the sewer charge hereunder for all waste water discharge. All users which discharge more than 120,000 gallons of domestic sanitary waste water per annum, in addition to the prevailing MCUA rates applicable to non-residential users for BOD, SS and Cl, shall be charged a service charge for flow as follows:

(a) Service charge for flow.

Tier:	Gallons/Year	Rate Per Gallon (100s)
I	1-120,000	N/A
II	120,001 – 1,000,000	0.699
III	1,000,001 – 5,000,000	0.510
IV	5,000,001 – 20,000,000	0.475
V	20,000,001 +	0.400

(b) Except as provided in § 332-41, as may be amended, all structures or properties which discharge more than 120,000 gallons of domestic sanitary wastewater per annum shall be charged the rates charged by the Middlesex County Utilities Authority for BOD, SS and Cl, above, and a service charge for flow categorized as section 4(a), above, for the flow amount exceeding 120,000 gallons per annum.

(c) **DELETED IN ITS ENTIRETY.**

**Subsection § 332-44 shall be amended as follows:**

Any dispute as to the billing or charges so determined by § 332-43 as to the amount of the bill or the calculation thereof may be appealed as follows:

A. To a panel of the Borough of Middlesex made up of the Borough Engineer, the

Borough's Engineering Consultant, a Representative of the Department of Public Works appointed by the Mayor, a Resident of the Borough appointed by the Mayor, a Business Owner appointed by the Mayor, where such business is located in the Borough of Middlesex and the Mayor or his/her designee.

- B. Said appeal shall be in writing, and shall include, in sufficient detail, the relief sought and the evidence, information or documents to support the relief sought. Relief shall be granted if a minimum of four (4) members of the panel agree upon such relief. The decision of the panel shall be final and binding.
- C. All appeals must be filed within ninety (90) days of dispatch of such billing or charge sought to be appealed.
- D. No appeal shall be considered by the panel, and an appeal shall not be considered as filed, unless payment of the entire sewer bill, including any disputed amounts, is made and received by the Borough in full.

**Subsection § 332-45 shall be amended as follows:**

Whenever actual readings of sewage flow are available, those readings shall be used in determining flow charges. All industrial users shall be monitored for actual flow. Where actual readings of sewage flow are unavailable, flow will be estimated by any of the following ways:

- A. By taking 100% of the average water flow and/or other meter reading for the immediately preceding year. Credit for water not discharged into the sanitary sewer may be given to the user by the Borough if the user presents proof satisfactory to the Borough which established the amount of water not discharged.
- B. The volume of sewage and/or waste from each user may be determined by meters paid for and installed by users and records combined with municipal and/or private company water records or from estimates of measurements made by representatives of the municipality.

**Subsection § 332-48 shall be amended as follows:**

Any user objecting to any estimate of flow or strength hereunder shall have the option, at its own expense and cost, of installing metering equipment and sampling devices on its discharge lines to record actual flow and strength readings. The metering equipment used its installation and the location of installation and method of sampling shall all be subject to review and approval by the Borough of Middlesex or its designated representative. On an annual basis, the Borough of Middlesex, or its designated representative shall confirm the certified meter reading or sampling results by means of an on-site inspection. Any user electing to install metering equipment and/or sampling devices shall pay an annual inspection fee to the Borough of Middlesex in the amount of \$100, which amount shall be added to any fees and charges under § 332-43, hereunder. In the event metering equipment or sampling devices are installed, such readings of actual flow and strength readings shall only become applicable for purposes of determining any charges under § 332-43 when one full calendar year of metering and/or sampling have been collected. By way of example, if a user installs such equipment or devices in July 2016, the charges under § 332-43 shall be based upon metering and samplings collected during the entirety of year 2017, which amounts are billed and payable in 2018. Nothing herein shall prohibit a user from appealing or disputing billing or charges as permitted under § 332-44, hereunder.

**Subsection § 332-51 shall be amended as follows:**

The user charges established and provided for herein shall be due and payable semiannually on May 1 and November 1 of each year. Unless actual flows are provided by user, sewer user charges for the current year shall be based upon the water consumption for the immediately preceding year.

**Subsection § 332-63 shall be amended as follows:**

Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500. Each day such violation shall have occurred or has continued shall be deemed and taken to be a separate and distinct offense.

**SECTION TWO.** The effective date of these changes shall be January 1, 2016 upon adoption of this Amendment to the Ordinance and shall apply to all sewer user charges under Article III, commencing with the calculated usage, flow and/or charges reflected in billings to users dispatched thereafter.

**SECTION THREE.** 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 FOUR.** This Ordinance may be renumbered for codification purposes.

**SECTION FIVE.** 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 SIX.** This Ordinance shall take effect after passage and publication as provided by law.

Councilman Schueler made a motion for adoption of Ordinance No. 1889-16 seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, Schueler, and Mikolajczyk. No: None. Abstain: None.

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**PUBLIC COMMENTS**

Mayor DiMura opened the public portion of the meeting for any comments. Seeing no public participation, the Mayor closed the public portion of the meeting.

Mayor DiMura stated that this ordinance is a work in progress. It gives us the opportunity to get things done and move it forward. Mayor DiMura thanked the business community for working with the Governing Body.

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**ADJOURNMENT**

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

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
APRIL 26, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco (absent – work)
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS-SEE BELOW**

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS-NONE**

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**PUBLIC HEARING-NONE**

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**ADOPTION OF MINUTES**

Councilman Schueler made a motion to approve the April 12, 2016 Regular Meeting Minutes and Executive Session Meeting Minutes and the April 19, 2016 Special Meeting Minutes seconded by Councilman Madden and carried by a unanimous vote of Council.

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**REPORTS – STANDING COMMITTEES:**

Mayor DiMura requested again that he would like council to get all information that they would like to discuss at the meeting sent over to the Borough Clerk for the Public Meeting Agenda by the Wednesday or at the latest Thursday prior to the Regular Meeting to be placed on the Agenda, as it is unfair to both the public and the council as to what is going to be discussed.

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to discuss.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Madden reported that construction for the lap pool has been stepped up in order to comply with the May 1, 2016 contract for substantial completion.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Council President Kaplan thanked everyone for supporting the Fire Department Carnival last week, which was a great success.
  - B. Council President Kaplan also reported that there was an alarm activation at Mauger School which was an alarm in duct work. Apparently students and teachers did not hear audible alarm, and this is being addressed by the Fire Marshall. At the request of Council President Kaplan a copy of the Fire Department Report is below and will also be passed on to the liaison to the Board of Education to addressed at their next meeting.

“At approximately 11:47am on Friday April 22, 2016 I responded to the scene of an activated fire alarm at Mauger Middle School, 3 Fisher Ave. I was the first arriving officer on scene and established command of the incident. I did a 360 of the building and observed no smoke or fire which I relayed to the responding units.

I met one of the employees of the school outside and they informed me the fire alarm had been silenced, but not reset, before my arrival and the panel was showing a duct detector activation. As my units began to arrive on scene, I instructed two firefighters go to the roof of the school to check the duct detectors and two more firefighters to walk the entire school to make sure there were no other issues or activations.

The roof crew advised that a duct detector on the roof was displaying an error message and they secured the power to it. The interior crew walking the school advised me there was no smoke or fire throughout the entire school, and no other activations. I advised Vice Principal Ryan Regan of the error and requested he try to reset the fire alarm. The fire alarm reset without incident and I advised Vice Principal Regan to have the duct detector serviced before putting the unit back in service.

At approximately 12:16pm, the children and staff were advised they could re-enter the school and all of my units were secured and command was terminated.”

Kenneth A Bartok Jr.  
Captain/Middlesex Fire Department

#### 4. Public Works/Parks/Sanitation/Recycling

A. Councilman Corley reported on the following regarding the Department of Public Works:

- 1) DPW has revamped landscaping at Police Headquarters, hopefully this will save time and money on grounds maintenance, while also giving it a fresh new look!
- 2) DPW, along with Predator Tree Service, cleared and cleaned the easement behind the Brake shop/shopping center on Rt. 28, much improving the appearance behind those properties and also now providing access through that easement.
- 3) DPW has begun its street sweeping schedule/routes and will be working its way through all districts!
- 4) DPW has been working on pothole repairs and residents are urged to call in with any pothole complaints.
- 5) DPW is revamping landscaping at corner of Grant and Rt. 28, hopefully this will also save time and money on maintenance and upkeep and give the area a fresh new look with a cleaner appearance.
- 6) As a reminder DPW is doing Bulk pickups on Wednesdays “by appointment only” with 1 (one) pick up per household per calendar year!
- 7) Also, Wednesdays are grass/leaf bag pick up in “brown biodegradable bags only” paper bags. Please have your bags out on Tuesday night for Wednesday pick up, and as a reminder the recycle yard has a container for yard waste should you miss your pick up!
- 8) Also, as a reminder the third ( 3<sup>rd</sup> ) Wednesday of every month is branch pick up, branches should be tied and bundled in 4 ft. lengths and limbs larger than 5 inch in diameter are not accepted as per Middlesex County drop off rules! Thanks for your cooperation in this matter.

#### 5. Police/Legal/Code Enforcement/Construction/Municipal Court

- A. Councilman Mikolajczyk made a motion to accept the Police Department March Monthly Report seconded by Council President Kaplan and carried by a unanimous vote of Council.
- B. Councilman Mikolajczyk made a motion to accept the Construction Report seconded by Councilman Madden and carried by a unanimous vote of Council.

- C. Councilman Mikolajczyk reported that there was nothing on the Police, Legal and Municipal Court at this time.
  - D. Councilman Mikolajczyk indicated that on tonight's agenda we are approving the hiring of Frank Spallone as the construction official. We had a councilmatic meeting on the 16<sup>th</sup> and discussed workflow, policies and procedures and communication with the public. We are currently reviewing a couple of pieces which are meant for internal as well as external communication with the public to better explain the permit process.
  - E. Also, tonight we will discuss a proposed amendment of Chapter 317, Property Maintenance during the workshop.
  - F. In regard to community celebrations, Councilman Mikolajczyk did meet with the mayor regarding the day's events and am currently working on putting an entertainment program for the day as well as sign up forms for vendors and non-profits.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent.

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## **REPORTS**

### **Mayor**

- 1. Mayor DiMura asked Council if they had any questions regarding the proposed capital budget that was discussed at the April 12, 2016 Public Meeting. Council agreed to move forward and introduce the Capital Budget at the May 10, 2016 Public Meeting.
- 2. Mayor DiMura spoke with Central Jersey Stream Team and the borough is planning to hold a "stream cleaning event" in Middlesex on May 22, with more details to follow. This is a grassroots nonprofit organization that is dedicated to the restoration of the central jersey waterways and they encourage volunteers to help clean the Raritan River by going in the water, working jointly with volunteers and supplying gear to use. The Mayor indicated that we will be looking for volunteers to help, and will post to our website. They only ask that the DPW clean up everything that is removed afterwards. The intent of the cleanup is to travel behind Beechwood Avenue and towards Bound Brook to the Raritan River. No permits are required as the cleaning is done by hand. This clean up should help with flooding issues and flash flooding.

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## **PRESENTATIONS**

Councilman Mikolajczyk stated that he and Councilman Greco met with Mr. Jonathan Jaffe about a month ago and were trying to outline some ways to update our website and become more proactive. They have identified what we want to see on our website and solicited for vendors.

Jonathan Jaffe of Jaffe Communications, Inc. attended the meeting to discuss what their company can offer the borough. Mr. Jaffe stated that a large portion of their business is to design websites for government and municipalities.

The first step will be tasking what you want on the website and what you don't and then a site map would be put together. Jaffe recommended putting videos and podcasts on the website and being sure that the website has a responsive design and can be viewed on any platform.

Mr. Jaffe indicated that SurveyMonkey can service your residents to see what they are looking for and what they care about. He mentioned that the strengths that his company would offer is that (1) he owns the company, (2) all the designers are in-house; and (3) the website would be site specific for Middlesex Borough. Mr. Jaffe noted that his fee would consist of the setup of the website and the monthly service fee if required. The cost to set up the website, Facebook and twitter would be \$12,500 and the charge to manage the site and social media would be \$1250 a month charge. He did mention that the borough would need the use of an internet security company, which is approximately \$110.00 per month, to alleviate getting hacked or viruses.

Mayor DiMura spoke to Woodbridge who uses Jaffe Communications and they spoke highly of their services. Mayor DiMura recommended council move forward with Jaffe and have Finance look into where funds will come from and get back to them. Council was in favor of the using Jaffe Communication to design the website, but requested that in the future they may want to consider hiring a part time employee to do the updating of the website.

Mayor DiMura will ask the Finance Committee to sit down and review the proposal and recommend approving at the next meeting.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(M)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #93-16 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 #89-16 – Resolution #92-16



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

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The Deputy Clerk read the following resolution:

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

**Resolution #89-16**

**WHEREAS**, AJ Perri, Inc. was issued a street opening permit on 2/04/14; and

**WHEREAS**, AJ Perri, Inc. deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 401 Fulton St. was inspected by Michael Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of AJ Perri, Inc. , 1138 Pine Brook Road., Tinton Falls, NJ 07724, for refund of Street Opening Permit No. 2014-001.

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The Deputy Clerk read the following resolution:

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

**Resolution #90-16**

**WHEREAS**, AJ Perri, Inc. was issued a street opening permit on 2/04/14; and

**WHEREAS**, AJ Perri, Inc. deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 650 Lorraine Ave. was inspected by Michael Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of AJ Perri, Inc. , 1138 Pine Brook Road., Tinton Falls, NJ 07724, for refund of Street Opening Permit No. 2014-002.

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The Deputy Clerk read the following resolution:

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

**Resolution #91-16**

The governing body hereby hires Frank Spallone, 75 Lincoln Boulevard, Clark, New Jersey as the Construction Official effective May 16, 2016 for 12 hours per week at a salary of \$29,640, pending a satisfactory background check.

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The Deputy Clerk read the following resolution:

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

**Resolution #92-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$46,754.09 to redeem tax sale certificate #2015-1853, Block 341, Lot 1.01, Baekeland Avenue. Check is to be made payable to:

FWDSL & Associates LP  
17 W Cliff St  
Somerville, NJ 08876

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The Deputy Clerk read the following resolution:

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

**Resolution #93-16**

The governing body hereby approves the new Hazardous Materials Cost Recovery Agreement for years 2016 – 2018 between the County of Middlesex and the Borough of Middlesex and authorizes the Mayor and Borough Clerk to execute same.

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

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The Deputy Clerk read the following resolution:

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

**Resolution #94-16**

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 Kaplan and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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## **PUBLIC COMMENTS**

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

Frank Terracciano, 429 Edgeworth Street asked council to open the swim pool gate and pathway, because when you put a gate it would make Market Street a private road, and it is a public street.

Mark Kranz, 7 Park Place questioned how many pool patrons park on Market Street during the season and how the borough can spend thousands of dollars on a gate if you do not know if it is a safety issue or not. Mr. Kranz feels that the residents park their cars on the street and not in their driveway, and if there are one or two pool patrons that park on the street that is a lot. He does not want council to spend thousands of dollars on this issue when no safety study has been done and there is no reason. Mr. Kranz feels that the people that live on Market Street just do not want people on their block.

Christine DiNizo, 7 Pearl Place spoke that when you move in an area that is by the pool you should assume that residents are going to park on your street. She also mentioned that on her road they changed the direction of traffic going into the High School and this has worked and relieved the traffic problem, but she has high school student's park on her street every day. Also, she mentioned that cleaning of the streams has helped the area, and increased property values.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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## **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Fixed Assets – Mayor DiMura stated that last year during the audit fixed assets were discussed and it was suggested that the best way to complete a listing of fixed assets was to bring in an outside company to come in and identify our fixed assets. This would cost between \$4,000 - \$5,000 to complete. Funds have been put into the budget, and a consensus of council was to approve a resolution at the May 10, 2016 Regular Meeting.
2. Amendments to the Personnel Policy – Use of Compensation Time, Part-time Employees – Mayor DiMura mentioned that he has noticed that there is no structure in the Personnel Policy how compensation time is approved or used. He suggests that the Policy states that Mayor or Borough Administrator must approve compensation time and they approve when it can be taken. Mayor DiMura recommended that the council approve to put a limit on the time, as employees should not be able to accrue double

digits of compensation time. Mayor DiMura is suggesting amending the personnel policy so that all compensation time be used within 14 days of when it is accumulated, with mayor or business administrator approval. This would pertain to all full time employees, as the part time employees are not eligible for compensation time. A consensus of council was to make changes in the personnel policy to reflect the approval process above and that borough employees are required to use their compensation time within 30 days of it being accumulated.

Mayor DiMura indicated that if there is a need to increase hours of a permanent part time employee, he suggests rather than increase to a full time position, the borough would be better off hiring another permanent part time person, as you would get more work hours with 2 part time employees, it would be cheaper, and we would not be required to pay in excess of \$20,000 in benefits. Mayor DiMura indicated that we have some permanent part time workers that do a great job and made the following suggestions: (1) All permanent part time workers that work more than 20 hours should get paid holidays; and (2) Permanent part time employees that work 20 hours or more should be entitled to 5 days of vacation time after 2 complete years of service. Mayor DiMura feels that this is good for morale and it does not have a negative effect on the budget. Council discussed and Mayor DiMura will check with the labor attorney to see if any of the unions could grieve this recommendation.

3. Middlesex American Youth Football & Cheer Pep Rally & Bon Fire – Councilman Kaplan received an e-mail requesting this Pep Rally & Bon Fire. Once approved by the council, the County Fire Official can take the necessary measures to make sure this is done safely. Council approved the Middlesex American Youth Football & Cheer Pep Rally & Bon Fire to be held on Thursday August 25, 2016 in the parking lot in the back of Mountain View Park and a resolution will be put on the May 10, 2016 Public Meeting for approval.
4. Lights for Football Field – Mayor DiMura indicated that we discussed a project to revamp Mountain View Park and include the football field lights, and today the Mayor spoke with the county and they are willing to work on the whole project, but officially will not be able to do a resolution until later in the year. The Mayor stated that we are trying to do a 3 year plan, which will cost over 3 million dollars, but are still at least a couple years away from having the field done. Mayor DiMura discussed with the engineer if we did the lights in the next few months, if it would hinder the rest of the work, and he indicated that it would not. Mayor DiMura would like to know if the governing body would consider starting the process to put lights on the field now, which could allow them to be completed by mid-September, as the County has agreed to give us 50% of the cost of the project, which is approximately \$300,000. Mayor DiMura feels that this would be good for the community, as it shows them that we are moving forward on the project. Council discussed this project and their major concerns were looking to see harder numbers on the cost, how the project will be paid and concern of the safety issues with intoxicated people at the Friday night games. Mayor DiMura indicated that we should

get a commitment from the county in a couple weeks, and we could get the balance from some past capital ordinances or the capital project fund from the tower. Mayor DiMura will get more firm numbers from the borough engineer as to the cost of this project and a breakdown of where the funds can come from and then move forward.

5. Swim Pool Gate and Pathway – Councilman Kaplan spoke with the Swim Pool Commission and there is a lot of drainage issues on the pathway leading to the pool and proper drainage and curbing is needed. Councilman Kaplan feels that now would be the best time to repair this problem, as they are finishing construction of the lap pool. Mayor DiMura will get estimates for this work, which should not be costly, and a resolution will be put on the May 10, 2016 Public Meeting for approval.

Swim Pool Gate – Mayor DiMura indicated that the swim pool gate has been an issue over the last 2 years and the Police Department has had to go out to speak with residents during pool season. Prior to 2012 the gate was closed for a long period of time. Mayor DiMura went to the sight of the gate and requested Sergeant Comiskey (Traffic Sergeant) and Chief Geist to make a recommendation. In the past previous council's voted to open the gate, as they felt it was inconvenient to residents to make them walk around to the parking lot to get into the pool. Sergeant Comiskey provided the Mayor with a report and outlined recommendations and ultimately recommended closing the gate. Mayor DiMura indicated that last year they did try opening up the gate and it was a problem. Mayor DiMura suggested that we should close the gate this year. Council unanimously voted to open the gate on Market Street as they felt it was not a private road.

6. Proposed Amendment of Chapter 317 – Property Maintenance – Mayor DiMura mentioned that this ordinance is a quality of life issue for our community and affects the value of everyone's property. A consensus of council was taken to introduce this Ordinance at the May 10, 2016 Regular Meeting.

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## **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Betty Platten, 4 Hooker Avenue questioned who the Pep Rally and Bon Fire was for, as she stated if it was for the Middlesex High School Football team, this would not be the first, as they held Pep Rallies and Bon Fires in the 80's for the High School Football Team. Mayor DiMura stated that this event was going to be held for the Middlesex American Youth Football and Cheer, which is the former "pop warner".

Carol Terracciano, 429 Edgeworth Street questioned if the proposed Amendment of Chapter 317, Property Maintenance included storage pods. Mayor DiMura indicated that there is a

separate ordinance that pertains to storage pods, and he will provide that ordinance to her if she would like it.

John Ellery, 701 Lincoln Boulevard suggested that in regard to the parking situation at the pool the borough should consider doing odd/even parking that is done in other towns, that allows other people to park.

Mr. Ellery has met with the business association and has worked with the Recreation Director on projects and discussed the Community Day and also National Night Out. Mr. Ellery requested that the council consider having the fireworks on the National Night Out and use the Community Day as a rain date. Mr. Ellery felt that these events hurt each other and hurt the business community. Mayor DiMura indicated that he has discussed the Community Night and National Night Out with Chief Geist and they both feel that these are two different specific events. On National Night Out they will hold a "Movie Night" in the Park and the fireworks will be at the end of the Community Night. Mayor DiMura stated that for future events they can discuss this concern. Mayor DiMura mentioned that soon a package will be put together and a letter will be going out to all businesses in town regarding the Community Night.

Rich Malt, 309 D Street stated mentioned that the lights at the football field are long overdue, fantastic for the High School, and are also a good thing for the businesses in town, specifically the restaurants.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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### **ADJOURNMENT**

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

Respectfully yours,

Linda Chismar, RMC  
Deputy Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
MAY 10, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS-NONE**

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1890-16 by title for introduction.

**ORDINANCE NO. 1890-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY  
OF MIDDLESEX, NEW JERSEY, CHAPTER 317, PROPERTY MAINTENANCE**

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:

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

- A. Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex is prohibited on any property within 1,000 feet of any dwelling, except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity
  
- B. Residential accessory items, including but not limited to grills, play equipment and bicycles shall not be stored or displayed in any front or side yard area which is visible from any public place, street, sidewalk or highway. In addition, the use of any upholstered furniture manufactured primarily for indoor use, including but not limited to mattresses, couches, and recliners, shall be prohibited on any front or side yard area visible from any public place, street, sidewalk or highway.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

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

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**PUBLIC HEARING-NONE**

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**ADOPTION OF MINUTES**

Councilman Mikolajczyk made a motion to approve the April 26, 2016 Regular Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, Mikolajczyk and Schueler. No: None. Abstain: Greco.

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**REPORTS – STANDING COMMITTEES:**



1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Madden reported that on April 27, 2016 @ 3:45 a meeting was held at the ball field behind Middlesex High School to witness the progress & successful application of the seeding, fertilization and aeration program resulting in beautiful natural grass playing fields. Those in attendance included Mayor DiMura, Dr. Madison, Dina Fornataro, Recreation Director, Scott Bills, Jim Ianetti, Bob Teutsch and I. I thank the governing body and the Board of Education for providing funding. Special thanks to the Recreation Commission, DPW, Bob Teutsch, Scott Bills and Jim Ianetti for their hard work to get this project done.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Council President Kaplan recognized Rae Quast as a qualified driver of FP1, FP2 and FP3.
  - B. Council President Kaplan moved the approval of James Singer IV as an active member of the Fire Department seconded by Councilman Madden and carried by a unanimous vote of Council.
  - C. Council President Kaplan moved to approve Carlos Lopez as a Junior Member of the Fire Department seconded by Councilman Madden and carried by a unanimous vote of Council.
  - D. Council President Kaplan also reported that the Rescue Squad is holding a garage sale on May 13, 14 and 15 and residents are able to donate to goods to help them to help raise money for the Rescue Squad.
4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report
5. Police/Legal/Code Enforcement/Construction/Municipal Court
  - A. Councilman Mikolajczyk reported that there is a Councilmanic Meeting set for May 23 with the Construction Office
  - B. Councilman Mikolajczyk also reported that they are moving along with the Community Day set for July 23 in Mountainview Park, and information is available on our website. The event starts at 1PM and ends with a fireworks finale at dusk. We are working on an event that is fun for all ages and will feature live music, food, games, children's activities, local vendors, community groups and fireworks.

6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent.
    - A. Councilman Greco reported that last week the Board of Education held their third and fourth information meeting on new the “New School Building Project”. The next meeting is scheduled for May 26, 2016 at 7PM at Hazelwood School. Residents are welcome to come at 6:30 PM to get a tour of the school.
- 

## **REPORTS**

### **Mayor**

1. Mayor DiMura got a quote to have the DPW repair the pathway at the Swim Pool. The estimated cost is approximately \$1800.00. This repair should repair the ponding that is on the pathway, and the DPW estimates that it will be done in early June.
  2. Mayor DiMura mentioned that he has reached out to leaders through the county and state for recommendations for a Borough Administrator. He did receive a recommendation and would like the council to sit down with this individual. Mayor DiMura will forward this candidate’s resume to council, and he will attend the May 24, 2016 Regular Meeting for an interview in Executive Session.
  3. Mayor DiMura reported that the Annual Memorial Day Ceremony will be held at Middlesex High School on May 19, 2016 at 9:30 and encouraged council members to attend if they could.
  4. Mayor DiMura recognized and congratulated Recreation Director Dina Fornataro, who was installed as a member of the Board of Trustees for the New Jersey Recreation and Park Association.
  5. Mayor DiMura indicated that he has been contacted recently about the massage businesses in Middlesex Borough and is recommending that the borough attorney draft an ordinance to review and discuss to put a ban on accepting any more massage parlors to be in the borough. The Borough attorney will prepare a draft ordinance regarding this matter.
  6. Mayor DiMura mentioned that the borough has received approval from the State to move forward to form an Ethics Board and will be appointing members to this Board at the May 24, 2016 Regular Meeting.
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## **PRESENTATIONS-NONE**

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(O)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #97-16, Resolution #98-16 and #103-16 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 #95-16 – Resolution #96-16  
Resolution #99-16 – Resolution #102-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #95-16**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE COMMODITY RESALE PROGRAM**

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

**WHEREAS**, NJSA 40A: 4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Borough Council hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of NJSA 40A: 4-39, as amended by PL 1999, c.292, for the exclusive purpose of depositing and expending funds related to the use of the Borough Hall gas pumps (i.e. pump repairs, annual maintenance, etc); and

2. The Municipal Clerk of the Borough of Middlesex is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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The Borough Clerk read the following resolution:

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

**Resolution #96-16**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR  
THIRD PARTY OUTSIDE LIEN REDEMPTION**

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

**WHEREAS**, NJSA 40A: 4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Borough Council hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of NJSA 40A: 4-39, as amended by PL 1999, c.292, for the exclusive purpose of depositing and expending funds paid by Third Party Outside Lien Redemptions; and
2. The Municipal Clerk of the Borough of Middlesex is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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The Borough Clerk read the following resolution:

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

**Resolution #99-16**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL  
SERVICES FOR BOROUGH CONFLICT PUBLIC DEFENDER  
TO CARL A. TAYLOR III, ESQ. OF THE FIRM COOPER, COTTELL & TAYLOR, LLC**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to appoint Carl A. Taylor III, Esq. of the firm Cooper, Cottell & Taylor, LLC, 25 West High Street, Somerville, New

Jersey 08876 as the Conflict Public Defender for the Borough of Middlesex for the period from May 10, 2016 – December, 2016.

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

1. Carl A. Taylor III, Esq. of the firm Cooper, Cottell & Taylor, LLC whose office is located at 25 West High Street, Somerville, New Jersey 08876 is hereby appointed as the Conflict Public Defender for the Borough of Middlesex for the period from May 10, 2016 through December 31, 2016 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

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The Borough Clerk read the following resolution:

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

**Resolution #100-16**

**WHEREAS**, the Middlesex American Youth Football and Cheer are requesting approval from the governing body to hold a pep rally and bon fire on Thursday, August 25, 2016 in the Parking lot in the back of Mountain View Park; and

**WHEREAS**, if approved by the governing body, Middlesex American Youth Football and Cheer can forward this request onto the fire marshal for the appropriate permits that are required to hold the bon fire.

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

1. The governing body hereby approves the Middlesex American Youth Football and Cheer to hold a pep rally and bon fire on Thursday, August 25, 2016 in the Parking lot in the back of Mountain View Park.
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #101-16**

**WHEREAS**, the 2013 Capital Budget appropriated funds for the purchase of new fire trucks, and

**WHEREAS**, the governing body hereby approves a contract with Jaffe Communications, which includes the amount of \$12,500 to undertake the design project for the borough website; and

**NOW THEREFORE BE IT RESOLVED**, that a portion of the unused balance be re-appropriated for the design and implementation of the website for the Borough of Middlesex.

**NOW FURTHER BE IT RESOLVED** that Mayor DiMura is authorized to execute the Contract and the Treasurer hereby certifies that the funds in the amount of \$12,500 are available in Account No. C-04-14-832-000-074.

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The Borough Clerk read the following resolution:

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

**Resolution #102-16**

The governing body hereby approves the Updated Middlesex County All-Hazards Mitigation Plan which was approved by the Middlesex County Board of Chosen Freeholders on January 17, 2016 and which allows each participating municipality to qualify for mitigation grant programs, expiring in 2020.

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The Borough Clerk read the following resolution:

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

**Resolution #97-16**

**TONNAGE GRANT APPLICATION RESOLUTION**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

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

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

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and

keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** A resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Middlesex to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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

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

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

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The Borough Clerk read the following resolution:

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

**Resolution #98-16**

The governing body hereby rescind Resolution #91-16, adopted at the April 26, 2016 Regular Meeting, hiring Frank Spallone as Construction Official.

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

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The Borough Clerk read the following resolution:

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

**Resolution #104-16**

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

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## PUBLIC COMMENTS

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

Rich Thomasey, 109 Green Avenue stated that he noticed a lot of water on the corner of Hawthorne and Marlborough Avenue, and since it was just repaved and gets a lot of traffic. He thinks that someone should look at this before the road breaks up. Mayor DiMura will have the borough engineer look into the ponding in that area to see if there is an issue.

Mr. Thomasey also mentioned that last November the former Victor Crowell Park Committee met and put together 15 recommendations for Victor Crowell Park, which were passed along to Councilman Kaplan and Mayor Dobies. Mr. Thomasey would like to know if these recommendations will be shared with the council and the new committee. Mayor DiMura indicated that the recommendations will be forwarded to the new committee which is scheduled to meet in June.

Mr. Thomasey also indicated that 30 years ago when he was on the pool commission they had the same problems that were addressed last week with regard to the traffic at the pool and also the flooding on the walkway. Mr. Thomasey suggested that the entrance to the pool be changed, as it is only a ticket booth. He is recommending a temporary ticket booth, gate and walkway into the pool be placed west of the new construction, towards the softball field. With a little cooperation with the Board of Education you can redirect traffic and eliminate spots that go right up to the lap pool if only for the season.

JoAnn Estrella, 300 Market Street liked Mr. Thomasey's suggestion to change the entrance to the pool. Ms. Estrella attended the meeting because of the gate on Market Street. She feels that having the gate opened is a safety issue and without a gate someone is going to get hurt. Ms. Estrella indicated that during pool season there is no way to get out of Market Street and there is nowhere for anyone to turn around. Mayor DiMura indicated that he voted to keep the gate on Market Street, but since the governing approved that the gate be opened, he is now working with Chief Geist to have additional signage installed to direct traffic into the high school parking lot to park. Ms. Estrella requested having the mayor and council come and sit on her front yard to see what goes on during pool season on Market Street. In regard to the paving of the pool path, they have been asking to get flooding on her street fixed and when the pool path is done, the flooding is going to come down her street. Mayor DiMura indicated that the flooding issue is something the engineer is going to address.

Joe Mazze, 355 Market Street indicated that his driveway is wide and people turn in his driveway. Having the gate opened is a danger for the children. Mr. Mazze also questioned if



the engineer will be looking into the flooding on Market Street and that the council consider moving the entrance to the pool, which would alleviate a lot of problems on the street. Mayor DiMura assured Mr. Mazze that the engineer will look at the flooding on Market Street and that possibly for next year they can discuss with the Swim Pool Commission moving the entrance to the pool.

Councilman Kaplan was questioned why he did not want the gate on Market Street and indicated that Emma Street has a path and no gate, Market Street is not a private road and he feels that signage that is being put up by the Police Department will help educate the people. Councilman Kaplan also mentioned that he would take her Ms. Estrella up on her offer to come sit on her porch to see what happens during the swim pool season.

Debra Vargas, 134 Third Street questioned Cap Lane Park and if the dredging in this area will continue. Mayor DiMura indicated that the stream cleaning will be continuing. Ms. Vargas also questioned why her flood insurance policy was raised \$1,000 and is concerned of the hardship that the residents in this area have. She had to raise her deductible \$10,000 to reduce her policy payment. Mayor DiMura indicated that work may be starting soon in the back of South Lincoln, but it is a matter of federal funding.

Mayor DiMura stated that after Sandy the state passed a law to allow the county to use open space money to assist with mediation. He is meeting with the county and made a proposal for them to consider taking money to lift the homes in these flood areas, which would drop the premiums approximately 60%. He is hoping that the County will work with us as this will reduce premiums to help the people in that area.

Mr. Vargas questioned the website for the Greenbrook Flood Commission regarding the work that they are going to begin to do around the Cap Lane Park and also what the borough intends to do with the paper road at Cap Lane Park.

Councilman Madden stated that Mr. Vargas should consider attending the Greenbrook Flood Commission Meetings, and he will get an update on the work that is anticipated to begin in the summer with the raising of the bridge on South Lincoln. Mayor DiMura indicated that the Borough will be looking to Cap Lane Park becoming a passive park.

Douglas Rex, 221 Green Avenue discussed flooding concern on Green Avenue. His flood insurance bill went up \$700. Mayor said we have to be proactive and the county and state governments have to work together.

Ms. Estrella said she read in the Pool Commission meeting minutes that they are using the lap pool for practice starting at 5:30 am. Councilman Madden will check on the times they intend to start and get back to her.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Tax Revaluation – Mayor DiMura stated that we have not had a reassessment in the borough since 1986, and if we don't have a plan in place to do a revaluation, we will be forced to do this by the state. The Mayor requested approval from council to increase the capital budget by \$50,000 to start on a 5 year plan to cover the cost of a revaluation, which is approximately \$500,000 - \$700,000. Council approved to increase the 2016 capital budget by \$50,000 to begin to fund this revaluation.
2. Proposed Resolution for Past Due Sewer Bills – Mayor DiMura is recommending a proposal for businesses with outstanding sewer bills. The Tax Collector reached out to the state and questioned extending payments until September 1 without charging interest, as a way to work with the business community. He would like to adopt a resolution for this extension at the next meeting, and indicated that if they pay the balance by September 1 we will waive whatever interest that they have accrued, but if they don't pay in full, the business will be put in the tax sale immediately. Mayor DiMura has already spoken with the business owners, and they feel it is a fair proposal. A consensus of council was taken to put a resolution on the May 24, 2016 Regular Meeting for approval.
3. Recommendation from the Planning Board regarding LED Lights in Middlesex Borough – Councilman Schueler explained to council that the rationale of the Planning Board is to make recommendations to the governing body for potential ordinances to improve the town. The members of the Planning Board have noticed the increase in the amount of LED lights, the brightness of the lights and the disturbance to members of the community. The current ordinances have certain regulations that must be followed and the enforcement official that would issue a violation would be the Code Enforcer, who is only part time. Mayor DiMura is concerned about how this ordinance is going to be enforced and the cost of the enforcement. He is recommending that there is a plan that is in place that will be followed to enforce this ordinance before it is approved by council. Councilman Schueler will get input from the Code Enforcer about the enforcement of this ordinance and bring this information back to the Planning Board Meeting tomorrow night.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Rich Thomasey, 109 Green Avenue indicated that the LED lighting is an issue that should be studied and then move forward. He feels that if there were some controls in 2005 and 2006 that the governing body may not have installed the Victorian lights in Victor Crowell Park. Mr.

Thomasey also discussed the sewer bills and was in favor of contributing \$20,000 - \$30,000 to the businesses to show the importance of keeping them in town. Mayor DiMura indicated that both the borough and businesses are satisfied with the sewer ordinance which we just adopted.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

**Resolution #105-16**

**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. Salary Increase - Non Union Employees
2. Construction Official Position

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Borough Clerk read the following resolution:

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

**Resolution #103-16**

Approving Robert Klein, as Construction Official/Building Sub-Code/Building Inspector 12 hours per week at an annual salary of \$28,080 effective immediately.

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

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
MAY 24, 2016**

**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	Ron DiMura	
Council President	Sean Kaplan	
	Stephen Greco	Absent
	Patrick Corley	Absent
	John Madden	
	Bob Schueler	
	Jack Mikolajczyk	
Attorney:	Aravind Aithal	

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**PRESENTATIONS**

Dan Gitler from the Shade Tree Commission came before the Mayor and Council to speak about the 2015-2019 Community Forestry Management Plan and the budget needs to approve this plan. The mission statement is to proactively nurture, promote, and maintain a sustainable, functional, and safe community forest and shade tree resource that benefits the ecological, financial, and cultural well-being of the Borough of Middlesex and its residents. The plan will aid in identifying and efficiently addressing both existing and potential tree hazards, allowing the Borough to both address current needs and apply preventative care to minimize future liabilities.

Mr. Gitler stated that the plan is ready to be submitted and one of the requirements is that the town is part of "Tree City USA" and because their budget was cut to \$25,000 this year they no longer qualify for "Tree City USA." The requirement for Tree City USA states that the town needs to budget \$2 per capita. This would require a budget of \$27,500. Mr. Gitler is requesting that \$2,500 be placed in the budget to make us eligible for Tree City USA. Mr. Gitler also stated that part of the plan also requires two members of the Shade Tree Commission to receive Forest Health Issue Training along with a member of the DPW get core training. Jason Bond of the Shade Tree Commission stated if the CSIP grant is received we would then be able to do a tree inventory and assessment of all shade trees in town. Part of the Plan is to plant more trees than were removed each year until about 60% of the canopy cover is reached and to prune or remove public trees as needed to both ensure safety and ensure the healthy, integrated growth of young trees.

Mayor DiMura requested the Finance Committee review with the CFO to see what we can do to fulfill the budget request so that we maintain our Tree City USA standings. Mayor also noted that the Shade Tree Commission when submitting their future budget include the items needed and work through their liaison during the year and through the budget season.

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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The Borough Clerk read Ordinance No. 1891-16 by title for introduction.

**NEW BUSINESS  
ORDINANCE NO. 1891-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY ADDING TO CHAPTER 56 LAND USE PROCEDURES ARTICLE VI SECTION 47**

SECTION ONE. The Code of the Borough of Middlesex, County of Middlesex, State of New Jersey Chapter 56 Article VI Section 47 is hereby added as follows:

**Article VI**

**§ 56-47. DEVELOPER'S AGREEMENT**

- A. Within 90 days of the adoption of a resolution granting final subdivision approval or final site plan approval, there shall be executed and delivered to the Borough an agreement between the developer and the Borough incorporating all of the terms and conditions of final approval and such other conditions as deemed necessary by the Borough. The agreement shall be drawn by the Borough Attorney and shall be executed by the Mayor or Borough Administrator, owner and developer. The costs of the developer's agreement shall be paid to the Borough by the owner or developer.
- B. Extension of developer's agreement. In the event that all of the approved improvements have not been installed within the time period set forth in the developer's agreement, the developer may request, in writing, to the Borough Council, a one-year extension of the time in which to complete all improvements. No more than two such extensions will be considered unless the developer demonstrates unusual circumstances beyond his control. Any request for an extension of the developer's agreement shall be accompanied by an application fee of \$300.00 to cover the engineering and legal fees associated with the processing of the application.

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. 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 FOUR. This Ordinance shall take effect 20 days after passage and publication as provided by law.

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

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The Borough Clerk read ordinance No. 1890-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1890-16**

#### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 317, PROPERTY MAINTENANCE**

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:

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

- A. Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex is prohibited on any property within 1,000 feet of any dwelling, except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity
- B. Residential accessory items, including but not limited to grills, play equipment and bicycles shall not be stored or displayed in any front or side yard area which is visible from any public place, street, sidewalk or highway. In addition, the use of any upholstered furniture manufactured primarily for indoor use, including but not limited to mattresses, couches, and recliners, shall be prohibited on any front or side yard area visible from any public place, street, sidewalk or highway.

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 DiMura opened the Public Hearing on Ordinance 1890-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance 1890-16.

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

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### **ADOPTION OF MINUTES**

Councilman Schueler made a motion to approve the May 10, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Council President Kaplan and carried by carried by the following roll call vote: Ayes: Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance –
  - A. Councilman Schueler stated that he did bring the Proposed Lighting Amendment Ordinance back to the planning board but he does need a little more clarification about enforcement. It was noted from the Board that there is no need for a light meter or night inspections because every business has a lighting plan attached to their approval.

Councilman Schueler also wanted to thank the organization ‘We Love You” and “Central Jersey Stream Cleaning” for the fantastic job they did cleaning the streams. These were the most energized people he ever worked with about 100 tires and 3 tons of garbage including cans, beds, and shopping carts were removed.

Mayor DiMura also thanked them and hopes to get them back in the late summer and looks forward to working with them again. Also the Mayor thanked Sal’s Deli for supplying breakfast and lunch.

2. Recreation/Recreation Fields/Water & Light
  - A. Swim Pool - Long course swimming is conducted only in the Olympic size (50 meter) main pool (not in the lap pool). This has been established for many years with no intention of changing. Synchronized swimming and Zumba classes are held in the main pool only. Also the pool entrance is the gate by the high school. There are no plans to change this entranceway.



Lighting - The lap pool will have only two light poles with updated lighting. The lights will face the softball field and away from residential areas such as Market Street. By comparison, the tennis courts had four poles with lights.

During the summer, particularly late August the lights are turned on around 7 pm for safety reasons. They are also turned on for events such as Family Night (approx. twice per season).

Lastly there is an environmental advantage with the addition of the lap pool and the removal of the tennis courts. There is less paved (impervious) coverage now resulting in a greater groundwater recharge area and therefore less runoff and pooling of surface water.

B. Community Celebrations – On Thursday, May 19<sup>th</sup> @ 9:30 a.m., the Middlesex National Honor Society held their Annual Memorial Day Remembrance Ceremony. A full school assembly was on hand to pay tribute to all Middlesex Service Personnel who have served our country. In attendance among others were Dr. Madison, Police Chief Geist, Mayor DiMura, myself and members of our Armed Services, the girl scouts and boy scouts, the American Legion and Ladies Auxiliary. It was a very moving ceremony.

C. Recreation – A meeting was conducted at Mountainview Park on May 18, 2016 @ 9:30 a.m. In attendance were Lillian Schwarz, Recreation Director Dina Fornataro, Lt. DeNick and myself to discuss the idea of installing a cross walk that would connect soccer field #5 and the playground areas for the safety of the children coming off the field. The plan is currently being reviewed.

### 3. Fire/OEM/Board of Health/Rescue Squad/Flood

A. Council President Kaplan moved to accept Active Members Diamante Stewart and Ken Pukas, Jr. seconded by Councilman Schueler and carried by a unanimous vote of Council members present.

B. Council President Kaplan reported that William Coughlin has resigned as an Active member of Parker Engine and Hose Co. No.4 and the Middlesex Fire Dept.

C. Council President Kaplan also reported that this year the Fishing Derby sponsored by the PBA will be held on June 25, 2016 from 9am-12pm. The cost to stock fish in VC Park will be \$750.00. The Fishing Derby brings out over 200 kids and family. Wildlife Fish and Game will be on hand to help and give out information. Included in the activities will be games, trophies and prizes. Fire Dept. and OEM will also be on hand. There was a consensus of the council to provide the cost of \$750 to stock VC Park.

D. Council President Kaplan also noted that Tom Harrity President of the Board of Health resigned and VP Burke will fill the position until the end of the year.

E. Regarding the recommendation from the Board of Health on the issue of banning the sale of tobacco to individuals under 21 years old and adopting a no smoking ordinance in Middlesex Borough parks and recreation areas, Council President Kaplan stated Terri Manes Health Educator for the County will come in the next meeting with further information and educational ideas for the community.

4. Public Works/Parks/Sanitation/Recycling – Councilman Corley was absent.

5. Police/Legal/Code Enforcement/Construction/Municipal Court -

A. Police –Drive carefully - It is Memorial Day weekend coming up. The police have really stepped up their visibility especially on Rte. 28 and Lincoln Boulevard and their step program is looking at wipers on/lights on, seatbelts and cellphones as well as DUI.

B. This was a special press release that recently came out. Lieutenant Daniel O'Connor, the Investigations Division Commander with the Middlesex Police Department, recently graduated from the 48th session of the prestigious New Jersey State Association of Chiefs of Police (NJSACOP) Command and Leadership Academy.

The 14-week academy was developed in 1993 by the NJSACOP in collaboration with the United States Military Academy at West Point and provides a unique blend of theory and application. Throughout the course, officers are challenged to take the various leadership theories they were taught and devise real world solutions to the complex problems presented to them.

The highly competitive program aims to fashion officers into police leaders who can meet challenges in the law enforcement community. The primary focus of the program is on personnel and their work environments. Officers study theories on behavior and motivation, conflict management, decision making and communication.

Participation in the Command and Leadership Program is based on applicants successfully completing a competitive selection process. This is another feather in our cap for our police command staff.

C. Councilman Mikolajczyk made a motion to move the April 2016 Police Report seconded by Councilman Madden and carried by a unanimous vote of Council members present.

D. Construction – We had our councilmanic meeting last night and I am pleased to report that the recent structure changes and new hires are beginning to have a positive result on the department. Barrie Palumbo is pleased with the progress and is organizing the inspectors and technical assistants to make the department more “customer centric”. We are trying to change the our reputation of the department and feel more effective communication internally and externally will have a positive impact.

There is a bit of an issue with the implementation of the pilot computer program. This is not to be confused with the PILOT program for 150 Lincoln Blvd. The pilot computer program is an online portal for permits as well as other uses. This will be a focus in the coming weeks to ensure we are deriving the promised benefit from this purchase.

Mayor DiMura stated that we are moving forward in the right direction with Property Pilot and he will sit down with the Code Enforcer on Thursday of this week to review it with her.

E. Community Day - Progress is being made on our community day. A finalized application and flyer are available online. Entertainment is nearly finalized and a day program for the kids is in the works. Next up is a site meeting with the mayor.

6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(O)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #109-16, Resolution #113-16, 115-16 and #116-16 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 #106-16 – Resolution #108-16  
Resolution #110-16 – Resolution #112-16  
Resolution #114-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #106-16**

The Mayor and Council hereby accept Tonya Hubosky's resignation effective May 27, 2016 and authorize the Treasurer to pay Ms. Hubosky the following benefits:

11.67 Unused Vacation Days	\$ 3,194.66
12 Days Compensation Time	\$ 3,285.00
39 Unused Sick Days	\$ 10,676.25
<b>TOTAL</b>	<b>\$ 17,155.91</b>

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The Borough Clerk read the following resolution:

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

**Resolution #107-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$24,112.29 to redeem tax sale certificate #2015-1845 and tax sale premium in the amount of \$44,100, Block 55, Lot 23, 12 Dayton Avenue. The check is to be made payable to:

US Bank Cust for BV001 Trust  
50 South 16<sup>th</sup> Street – Suite 2050  
Philadelphia, PA 19102

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The Borough Clerk read the following resolution:

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

**Resolution #108-16**

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

**WHEREAS**, On May 12, 2016 Chief Geist recommended Police Officer Richard Szymczak be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Richard Szymczak be and is hereby advanced in grade to Patrolman Class "E" effective June 11, 2016 at an annual salary of \$69,015.

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The Borough Clerk read the following resolution:

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

**Resolution #109-16**

**WHEREAS**, the Mayor and Council has the sole discretion to fix and determine the salaries and compensation of the officers and employees of the Borough of Middlesex,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following salaries and rates of compensation for the year 2016 be hereby fixed respectively as follows:

<u>Title</u>	<u>2016 Salary</u>
Borough Clerk	\$83,274.00
Deputy Borough Clerk	\$52,269.00
Tax Collector	\$65,586.00
Chief Financial Officer	\$20,600.00
Treasurer	\$50,697.00
Court Administrator	\$62,143.00
Municipal Judge	\$34,399.00
IT Supervisor	\$82,348.00
DPW Supervisor	\$95,017.00
DPW Assistant Supervisor	\$88,730.00
Police Chief	\$144,045.00
Recreation Director	\$63,735.00
Recreation Asst Director	\$11,410.00
Recreation Commission Secretary	\$1,168.00
Office On Aging Director	\$60,462.00
Zoning Officer/Code Enforcer	\$28,354.00
Electrical SubCode Official	\$12,575.00
Board of Health Secretary	\$2,889.00
Shade Tree Secretary	\$2,496.00
Juvenile Conference Secretary	\$2,083.00
Clerk Admin Assistant	\$12.97
Construction Admin Assistant	\$13.66
Police Admin Assistant	\$13.39
Resale Certificate Inspector	\$26.78
Public Works Part Time	\$12.36
Meals on Wheels Driver	\$12.60
Meals on Wheels Driver (Alternate)	\$12.36
Senior Medical Driver	\$13.90

Senior Van Driver	\$13.90
Toddler Playgroup Instructor	\$12.36
Toddler Playgroup Assistant	\$10.81

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

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The Borough Clerk read the following resolution:

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

**Resolution #110-16**

**WHEREAS**, Charles Anthony was issued a street opening permit on 9/24/15; and

**WHEREAS**, Charles Anthony deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 44 Dayton Avenue was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Charles Anthony, 44 Dayton Ave., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-011.

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The Borough Clerk read the following resolution:

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

**Resolution #111-16**

The governing body hereby hires Dan Nero as a temporary part time plumbing inspector for six hours per week at \$40.00 per hour effective immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #112-16**

**AUTHORIZING AN AMENDMENT OF SECTION 8 OF THE PERSONNEL POLICY OF THE BOROUGH OF MIDDLESEX ENTITLED "WORK PERIOD AND OVERTIME"**

**WHEREAS**, the Borough of Middlesex, (hereinafter the “Borough”) previously adopted the “Borough of Middlesex Personnel Policy” (hereinafter the “Personnel Policy”) on August 18, 1999, as subsequently amended; and

**WHEREAS**, pursuant to Section 1 of the Personnel Policy, the Governing Body is authorized to amend the Personnel Policy, from time to time as deemed necessary by Resolution; and

**WHEREAS**, as provided in Section 1 of the Personnel Policy, the purpose of the Personnel Policy is to set forth regulations and policies applicable to all employees of the Borough and to provide for the administration of such regulations and policies; and

**WHEREAS**, the Governing Body has deemed it necessary to amend Section 8.5 of the Personnel Policy, included below, entitled “Work Period and Overtime”, to reflect the policy of the Borough to maintain an orderly use of compensatory time by part-time employees; and

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

1. Section 8.5 of the Personnel Policy is hereby amended as stated below; and

8.5 Time Off in Lieu of Overtime Pay

All compensatory time must be used within 60 days of earning such time, and cannot be accumulated beyond the 60 days after earning such time. If the compensatory time is excessive and the employee cannot take the time within 60 day of earning such time due to the needs of the Borough, the Governing Body may compensate for that time.

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The Borough Clerk read the following resolution:

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

**Resolution #113-16**

**AUTHORIZING THE RECONSTITUTION OF THE ETHICAL STANDARDS BOARD**

**WHEREAS**, the Borough of Middlesex, (hereinafter the “Borough”) on July 9, 1991 adopted Ordinance 1005-91 creating a local ethics board;

**WHEREAS**, pursuant to the Local Government Ethics Law, P.L. 1991, c. 29, N.J.S.A. 40A:9-22.1 *et seq.*, and under the further authority granted to the Borough under provisions of Titles 40 and 40A of the New Jersey Statutes, the Borough has the authority to create a local ethics board, and

**WHEREAS**, Chapter 36 of the Code of the Borough of Middlesex has been duly adopted and remains in full force and effect; and

**WHEREAS**, in 2013 the Governing Body of the Borough referred certain complaints by authority of N.J.S.A 40A:9-22.1 *et seq.* to the Local Finance Board; and

**WHEREAS**, notwithstanding the referrals of such complaints to the Local Finance Board, the Borough has retained and continues to retain the authority under State Statutes and Local Ordinances to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of ethical standards; and

**WHEREAS**, the Borough has duly notified the Local Finance Board of its intent to reconstitute its local ethics board; and

**WHEREAS**, the Borough has determined to appoint members, as permitted by Law, State Statute and Borough Ordinance, to its local ethics board; and

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

1. Within 45 days of the adoption of this Resolution, the Mayor shall appoint six members to the local ethics board; and
2. The Borough Clerk shall forward a true copy of this Resolution, together with Chapter 36 of the Code of the Borough of Middlesex to the Local Finance Board; and
3. This Resolution shall take effect immediately.

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

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The Borough Clerk read the following resolution:

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

**Resolution #114-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ANTENNAS,  
SPEAKERS, CHARGING SYSTEM FOR POLICE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase antennas, speakers and a charging system for the Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, Motorola Solutions Inc. is under State Contract No. 83909 for the year 2016; and



**WHEREAS**, the cost for the purchase of the equipment is \$1,156.00; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of antennas, speakers and a charging system is ordered under State Contract No. 83909 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$1,156.00 are available in Account No. C-04-15-879-000-090.

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The Borough Clerk read the following resolution:

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

**Resolution #115-16**

**AUTHORIZING AN AMENDEMENT OF SECTION 9 OF THE PERSONNEL POLICY OF THE BOROUGH OF MIDDLESEX ENTITLED "HOLIDAY AND VACATION BENEFITS"**

**WHEREAS**, the Borough of Middlesex, (hereinafter the "Borough") previously adopted the "Borough of Middlesex Personnel Policy" (hereinafter the "Personnel Policy") on August 18, 1999, as subsequently amended; and

**WHEREAS**, pursuant to Section 1 of the Personnel Policy, the Governing Body is authorized to amend the Personnel Policy, from time to time as deemed necessary by Resolution; and

**WHEREAS**, as provided in Section 1 of the Personnel Policy, the purpose of the Personnel Policy is to set forth regulations and policies applicable to all employees of the Borough and to provide for the administration of such regulations and policies; and

**WHEREAS**, the Governing Body has deemed it necessary to amend Section 9 of the Personnel Policy, in the form attached, entitled "Holiday and Vacation Benefits", to reflect the policy of the Borough to include vacation and holiday time for permanent part-time employees; and

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

Section 9 of the Personnel Policy is hereby amended as stated below; and

9.1 Employees Eligible for Holiday and Vacation Benefits. For the purpose of providing holiday and vacation benefits, Regular Full-Time Employees shall receive the full benefits; unless otherwise agreed to by the Governing Body, seasonal and non-permanent part-time employees shall not receive holiday or vacation benefits.

9.2 Holidays Observed.

- a. Effective January 1, 1999, Regular Full-Time employees will receive eight (8) hours straight time pay, and permanent part-time employees who work twenty (20) or more hours per week will receive one day, pro-rated pay for the following officially designated holidays observed by the Borough:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Labor Day

The Governing Body reserves the right to designate additional holidays at its discretion.

- b. If a holiday falls on a Saturday or Sunday, it shall be celebrated and compensated accordingly on the work day preceding or the work day following such holiday, at the discretion of the Governing Body.
- c. Where it is necessary to maintain regular service requiring an employee to work on an official holiday, such employee shall be paid double (2x) time, regardless of the number of hours the employee may have worked the preceding week.
- d. The specific scheduled dates for each holiday shall be established by the Governing Body annually at the reorganization meeting.

9.3 Eligibility for Holiday Pay. To be eligible for holiday pay, the employee must work the regularly scheduled day before and the regularly scheduled day after the holiday, unless the employee is on an excused absence with pay or on regularly scheduled vacation.

9.4 Holiday, Personal Days and Vacation Benefits. In addition to the above paid holidays, Regular Full-Time employees are entitled to (2), additional personal days and one day for their personal birthday. These days must be taken and the employee cannot choose to be paid in lieu of taking these days off. No more than two (2) people may take a personal day at any one time and the personal day will be given by seniority in the event that more than two people seek to have the same day off. One week advance notice must be given to supervisor by the employee requesting these days off except in cases of emergency. It is further understood that an employee may choose to request a personal day at the beginning or at the end of a vacation period; however, the personal day cannot be taken before or after a major holiday.

9.5 Vacations. The following schedule shall be used to determine the length of vacation time for Regular Full-Time employees:

<u>Time in Service</u>	<u>No. of Vacation Days</u>
Date of hire to end of the Same Year	1 day per month (not to exceed 10 days)
1 <sup>st</sup> calendar year through 3 <sup>rd</sup> calendar year	10 days
4 <sup>th</sup> calendar year	11 days
5 <sup>th</sup> calendar year	12 days
6 <sup>th</sup> calendar year	13 days
7 <sup>th</sup> calendar year	14 days
8 <sup>th</sup> calendar year and thereafter	One additional day per additional year of service with a maximum of 25 vacation days.

9.5.1 Permanent part-time employees who have a minimum of two (2) consecutive and uninterrupted years of employment service with the Borough, during which time they have worked not less than 20 hours per week, shall be entitled to five (5) days of vacation beginning the third (3) third calendar year of employment. Any vacation time not used during the calendar year in which vacation time was earned shall not be carried to the following year, nor shall the employee be entitled to payment in lieu of vacation.

9.6 Restriction on Vacation Days. Vacations shall be taken in full week segments unless otherwise approved by the department head, but in no case in less than full day segments.

9.7 Vacation Schedule. Vacation schedule approvals shall be given by the Department Head on the basis of seniority of service or by mutual agreement of the employees.

9.8 Expiration of Vacation Benefits. Vacation benefits shall be used during the calendar year in which they are earned and will expire on December 31 unless otherwise approved by the Administrator or, in his or her absence by the Mayor or the Department Head. Without approval of Council, no more than one (1) week vacation may be carried over into the next year; however, permanent part-time employees of the Borough may not carry over any vacation time without approval of Council. An expiration date for using carried over vacation days shall be specified in writing to the employee by the Administrator or, in his or her absence by the Mayor at the time of his approval of any

such request, but in no case later than March 31 of the following year, unless specifically extended by Council.

- 9.9 Compensation in Lieu of Vacation Prohibited. Compensation in lieu of vacation shall be prohibited, except as provided for in Section 18.2.
- 9.10 Holiday and vacation benefits for the Chief of Police shall be the same as those set forth in the Police Contract.

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

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The Borough Clerk read the following resolution:

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

**Resolution #116-16**

**WHEREAS**, the Tax Collector reached out to the state and questioned extending payments of our sewer bills until September 1, 2016 without charging interest, as a way to work with the business community; and

**WHEREAS**, if the business pays the balance by September 1, 2016 we will waive whatever interest that they have accrued; and

**WHEREAS**, if the business doesn't pay in full by September 1, 2016 the business will pay whatever interest accrued and will be put in the tax sale immediately;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the above recommendations by the Tax Collector and supported by the State of New Jersey is hereby approved

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

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The Borough Clerk read the following resolution:

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

**Resolution #117-16**

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

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## PUBLIC COMMENTS

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

John Slootmaker, 143 Parker Street complained about the vacant bank owned properties, the maintenance of these properties, and the liability if allowed having volunteers going on these properties to clean up when they are bank owned. Mayor DiMura stated the Code Enforcer has a list of 30 properties that are bank owned. Twelve have been cleaned up in the last week. Mayor stated that we have a landscaper going out to clean these properties if they are not being maintained by either the banks or the lienholder. Mayor DiMura told Mr. Slootmaker that if he or any other resident know of a vacant property not being maintained to let him or the code enforcer know and we will add them to the list.

Mr. Slootmaker also referenced a property on Coleman & Denton of which he believes as being uninhabitable including many issues that can be obtained through police reports. Mayor DiMura stated that the Code Enforcer and the property owner are working on these issues. Mayor DiMura asked that Mr. Slootmaker contact him tomorrow and he will give him an update.

Mr. Slootmaker also wanted to know if he and a group of volunteers would be allowed to clean up the corner of Parker & Denton which he believes is a Borough easement and would this present a liability issue for the Borough. Mayor DiMura stated that he will have the DPW and/or our tree service look at it. Borough Attorney Aravind Aithal expressed that the liability is unknown and specific to what the danger is or what the hazard is there is no liability until someone gets hurt. Mayor DiMura asked Mr. Slootmaker to leave his number and we will have the town cleanup the property.

Kathleen Timm, 128 Third Street stated that they were told that their flood insurance would be lowered when the Army Corp. of Engineers is done Greenbrook Flood Control Project. Mayor DiMura stated that's a goal based on funding of the project. Mayor reported that he is trying to work with the County through the Open Space Fund to help people stay in their houses by using the Open Space Fund to subsidize raising their houses which in turn would lower their flood insurance.

James Benson, 445 Harris Avenue thanked the Mayor and Council for their support in using the HUD grants to replace front doors and the HVAC unit at the Library.

Seeing that there was no other public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Cost Estimate for Football Field Lights – Mayor DiMura stated that the Engineer came back with the cost estimate for the football field lights and after doing the core samples the findings were that we would need to do more to secure the lights. The original cost estimate was \$350,000 and after the samples were taken the cost estimate is \$470,000. The engineer also reported that if needed we may incur another \$75,000 for an electrical upgrade. There is no DEP issues or permits that need to be taken nor is there any contamination. Mayor DiMura did remind everyone that the County would be giving us half of this amount through the grant he is working on with them. Mayor DiMura also stated that the funding for the project can be added to the capital budget which is still way under what we usually capitalize every year. Consent of Council was to move forward with the football field lights.

2. Mayor DiMura stated Item 2 on the Agenda Workshop the Hiring of Part-Time DPW Employees may be addressed after we come out of executive session.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

#### **Resolution #118-16**

**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. Administrative Assistant (Police Dept.)
2. Hiring of 3 DPW Full Time Employees
3. Administrator
4. Tax Collector

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
JUNE 14, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS-NONE**

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**APPOINTMENTS**

Mayor DiMura appointed Jim Benson, Cindy Chomen, Karl Orth and Kim Keyes to the Ethics Board.

Mayor DiMura appointed Mike Conahan to the Fields & Parks Committee.

Mayor DiMura appointed Kim Keyes to the Economic Development Committee.

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1892-16 by title for introduction.

**ORDINANCE NO. 1892-16**

**AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH MIDDLESEX"**



**CHAPTER 343-8 PROHIBITING SMOKING/VAPING ON OUTDOOR GROUNDS OF  
BOROUGH PUBLIC PARKS AND RECREATIONAL AREAS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that:

**Article I. Definitions**

A. Smoking/Vaping means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

B. Electronic smoking/vaping device means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

**Article II. Smoking on School Property**

343-1. Smoking Prohibited

The smoking of tobacco products within or on any school facility, property or vehicle owned, leased or contracted by the district by an individual within the Borough of Middlesex is prohibited. Consistent with N.J.S.A. 26:3D-16, "smoking or vaping" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or nicotine delivery system, except as part of a classroom instruction or theatrical production.

**Article III. Smoking in Public Places**

343-8. Smoking on Outdoor Grounds of Borough Public Parks and Recreational Areas Prohibited.

A. No person shall smoke while on the outdoor grounds of any and all of the Borough public parks, whether owned, leased or utilized by the Borough including Recreational Areas.

B. Any and all educational facilities.

C. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of "protecting public health".

**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. Any existing ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistency.

2. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

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The Borough Clerk read Ordinance No. 1891-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1891-16**

#### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY ADDING TO CHAPTER 56 LAND USE PROCEDURES ARTICLE VI SECTION 47**

SECTION ONE. The Code of the Borough of Middlesex, County of Middlesex, State of New Jersey Chapter 56 Article VI Section 47 is hereby added as follows:

#### **Article VI**

#### **§ 56-47. DEVELOPER'S AGREEMENT**

- A. Within 90 days of the adoption of a resolution granting final subdivision approval or final site plan approval, there shall be executed and delivered to the Borough an agreement between the developer and the Borough incorporating all of the terms and conditions of final approval and such other conditions as deemed necessary by the Borough. The agreement shall be drawn by the Borough Attorney and shall be executed by the Mayor or Borough Administrator, owner and developer. The costs of the developer's agreement shall be paid to the Borough by the owner or developer.
- B. Extension of developer's agreement. In the event that all of the approved improvements have not been installed within the time period set forth in the developer's agreement, the developer may request, in writing, to the Borough Council, a one-year extension of the time in which to complete all improvements. No more than two such extensions will be considered unless the developer demonstrates unusual circumstances beyond his control. Any request for an extension of the developer's agreement shall be accompanied by an application fee of \$300.00 to cover the engineering and legal fees associated with the processing of the application.

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. 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 FOUR. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Mayor DiMura opened the Public Hearing on Ordinance 1891-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance 1891-16.

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

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### **ADOPTION OF MINUTES**

Councilman Madden made a motion to approve the May 24, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by carried by the following roll call vote: Ayes: Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: Greco & Corley

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance –
  - A. Shade Tree Discussion – Continuation – Councilman Schueler reported that he spoke with the CFO as to the issue of Shade Tree Commission Budget, and we can use the money from the Tree Replacement fund for purchase of trees which will count towards the Tree City USA designation, but we may not actually transfer funds to that budget until the November time frame. The Liaison will meet with Chairman of Shade Tree and Finance committee members to make sure they understand the procurement and purchasing process for use of these funds as well as general expenditures requested by the commission.
  - B. Councilman Schueler also mentioned that the Planning Board heard application from BAMCO at end of Baekeland and Factory they are making improvements to their property with respect to parking. Their application was approved which will eliminate the need for off street parking. They will restore the property to the original condition.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Council President Kaplan reported that last night a tractor trailer hit the bridge on River Road and the Fire Department was on the scene. Councilman Kaplan has made a report for billback recovery, and we should receive money back from the County. Hazmat cleaned everything up and we should be reimbursed 100%.

- B. Council President Kaplan reported that on June 25 the PBA will be holding a Fishing Derby at Victor Crowell Park, which will include all emergency services. The registration for the Fishing Derby will begin at 8:30 AM and the derby will start at 9 AM. There is no rain date.
  - C. Council President Kaplan reported that Robert Poltorak was recognized for 50 years of service with Middlesex Borough Fire Department and Bill Smith was recognized for 40 years of service with the Fire Department.
4. Public Works/Parks/Sanitation/Recycling
- A. Councilman Corley reported that DPW completed a drainage project along pool pathway to help alleviate water pooling along fence line.
  - B. Also, the DPW has been working at Victor Crowell Park (lake) to clean up bank area while also trimming and pruning bushes and trees – they are also cutting in beds areas and mulching and chipping those areas. We have also re-edged around playground area and re-mulched the entire playground area.
  - C. The DPW has once again assisted in “Project Graduation” by forming out and working the pouring of cement for the graduating class to sign.
  - D. DPW has started a restoration project on the Gazebo in front of Mountain View Park which will include: sidewalks, cleaning and painting of gazebo and landscaping.
  - E. DPW actively works at cutting, cleaning, and maintaining our parks, ballfields, and borough properties on a daily basis to provide a pleasant quality of life for our Borough residents, - Please say something if you see something that requires our attention – your input is always greatly appreciated!
  - F. Just as a reminder twice a week garbage has started as of the week of June 6, 2016 and will continue until the first week in September.
  - G. Just a reminder you “MUST” call in for a bulk pick up appointment – before you put your items at the curb, all residents who fail to make an appointment will receive a violation sticker on their items!!
  - H. DPW is working to finish the project at the corner of Grant Avenue and Route 28 with the pouring of a pad and placing of a park bench under the trees.
5. Police/Legal/Code Enforcement/Construction/Municipal Court -
- A. Councilman Mikolajczyk reported that on the agenda tonight is the hiring Robyn Seif as the full time Administrative Assistant for the Middlesex Police Department. This is one of the final pieces in the transition plan for the department. This confidential

- position will enable us to better allocate our detective staff who has had a portion of their time dedicated to tasks better handled by a clerical person.
- B. Councilman Mikolajczyk stated that Lt Frank DeNick has just graduated from a course in Maleeds training. MALEEDS is a highly successful and selective program that provides insight into some of the many challenges facing today's police executives. Class size is limited in order to maximize the interaction between instructors and attendees during this comprehensive training program. The selection process draws applicants from New Jersey, New York, and Pennsylvania. MALEEDS takes place every year in June. Applications are made available in January to the chief law enforcement officer of each qualifying agency. The MALEEDS Executive Board meets each spring in order to review applications and select participants for the program. This energetic and sophisticated educational program is proudly co-sponsored by the Newark, New York, and Philadelphia Divisions of the Federal Bureau of Investigation (FBI), along with active and retired law enforcement officers. This is another feather in the cap of our command staff.
  - C. We will be having a councilmatic meeting in the next few weeks. Information is being gathered for that meeting now and once complete we will meet.
  - D. With regard to Community Day Councilman Mikolajczyk reported that work continues to progress and applications are beginning to come in.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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## **REPORTS**

### **Mayor**

1. Mayor DiMura reported that the pathway to the pool is working out well.
2. Mayor DiMura reported that with regard to the restoration to the gazebo at Mountain View Park it will be repaired, new shrubbery will be planted and a sidewalk will be installed.
3. Mayor DiMura reminded residents that bulk and garbage should not be put in front of your property more than 24 hours before it is collected.
4. Council President Kaplan reported that there is a limb stuck under the bridge on the corner of Raritan Avenue and Route 28 that must be removed. Mayor DiMura indicated that this will be taken care of by the DPW.

5. VC Park Dam – Mayor DiMura reported that we should be receiving the historic report for the Victor Crowell Park Dam by the end of June. We can go out to bid in late summer and start the project by early fall. We have allocated FEMA money and Victor Crowell money for this project.
6. South Avenue – Mayor DiMura stated that we will be going to bid on July 19 and intend to start working on this project in Mid August.
7. Warrenton Road – A resolution will be placed on the June 28, 2016 Meeting Agenda to authorize the engineer to work on this project. We anticipate going to bid in early fall, and starting work on this road in Spring, 2017.
8. Trees in Mountainview Park – Predator has cleared the edge where the trees fell from Hurricane Sandy and we intend to plant grass in this area in the fall and next year possibly plant evergreen trees along the edge. Mayor DiMura has spoken with Predator to clear the area by both soccer fields in the park and clear the edging.
9. George Street – This street has had an ongoing issue with storm drainage and the residents have requested it be repaired. The engineer has provided us with a proposal on the restructure of the road and fixing the storm drain and hopefully we will go out to bid next fall and it can be part of our capital budget next year.
10. Mayor DiMura reported that on Friday, June 10, 2016 the Police sponsored the torch run and he was impressed with the amount of people that came out. Mayor DiMura applauded both the Police Department and the Business Association for their hard work in collecting more than \$42,000 for Special Olympics.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(P)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #119-16, Resolution #125-16, and #131-16 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 #120-16 – Resolution #124-16

Resolution #126-16 – Resolution #127-16  
Resolution #129-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #120-16**

The Tax Collector is hereby authorized to cancel the following municipally held Tax Sale Certificate which has been redeemed.

BLOCK/LOT	NAME/ADDRESS	AMOUNT	TTL NUMBER
267/2	Union Foundry Co Inc 750 South Ave	\$10,121.17	15-01848

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The Borough Clerk read the following resolution:

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

**Resolution #121-16**

**WHEREAS**, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

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

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

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

1. The Borough Council does hereby authorize submission of an application for the Middlesex Municipal Alliance Grant for calendar year 2016-2017 in the amount of \$20,965.00.

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

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The Borough Clerk read the following resolution:

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

**Resolution #122-16**

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

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The Borough Clerk read the following resolution:

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

**Resolution #123-16**

**WHEREAS**, Katherine Blair was issued a street opening permit on 8/25/15; and

**WHEREAS**, Charles Anthony deposited \$1250.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 92 Conover Place was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$937.50 in favor of Katherine Blair, 92 Conover Pl., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-008.

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The Borough Clerk read the following resolution:

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

**Resolution #124-16**

The application for renewal of Liquor Licenses for the year 2016-2017 which have been approved by the Police Department, Fire Department, Board of Health be accepted; and the Borough Clerk is hereby authorized to issue the following licenses in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

Shri Radha Krishna Inc. t/a Endzone Lounge

1211-33-001-003



425 Bound Brook Road	
Rikjo Liquors, Inc. t/a Middlesex Liquor Store 708 Union Avenue	1211-44-005-002
OK Liquors, t/a Cub Liquors, Inc. 242 Lincoln Boulevard	1211-32-011-004
Vilaverdense t/a Vincenzo's Restaurant 665 Bound Brook Road	1211-33-012-004
Middlesex Lodge 2301 BPO Elks 545 Bound Brook Road	1211-31-014-001
Pearldhyan, Inc. 657 Lincoln Boulevard	1211-44-006-003
Ellery's Grill, Inc. 701 Lincoln Boulevard	1211-32-004-002
Faron Realty Management, LLC t/a Ferraro's Pizza & Pub 275 Lincoln Boulevard	1211-33-002-007
Carpaccio Ristorante Inc. 651 Bound Brook Road	1211-33-010-002
Cahoots, Inc. 624 Lincoln Boulevard	1211-33-003-003
John W. Lupu Memorial Post 306 The American Legion 707 Legion Place	1211-31-013-001

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The Borough Clerk read the following resolution:

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

**Resolution #126-16**

The Governing Body hereby authorizes the Mayor to execute the Contract with Garden State Fireworks, Inc. for a Firework Display at the Community Day on July 23, 2016 in the amount of \$25,000.

The Treasurer certifies funds in the amount of \$25,000 are available in Account No. 6-01-30-420-001-138.

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The Borough Clerk read the following resolution:

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

**Resolution #127-16**

The governing body hereby accepts the resignation of Thomas Keane from the Office of Aging and Disabled Services.

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The Borough Clerk read the following resolution:

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

**Resolution #129-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$3,876.94, which item is now available as a revenue from the State Grant of Clean Communities Program in the amount of \$3,876.94;

**BE IT FURTHER RESOLVED** that the like sum of \$3,876.94 is hereby appropriated under the caption of "State Grant of Clean Communities Program; and

**BE IT FURTHER RESOLVED** that the above is a result of a State Grant of \$3,876.94 from the State Grant of Clean Communities Program.

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The Borough Clerk read the following resolution:

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

**Resolution #119-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF BULLARD  
FIREFIGHTING HELMETS FOR FIRE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Bullard Firefighter Helmets for the Fire Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, E D Bullard Company is under State Contract No. 80952 for the year 2016; and

**WHEREAS**, First Battalion Firefighting is an authorized dealer; and

**WHEREAS**, the cost for the purchase of the equipment is \$1,175.36; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Bullard Firefighter Helmets is ordered under State Contract No. 80952 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$1,175.36 are available in Account No. C-04-14-855-000-075.

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

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The Borough Clerk read the following resolution:

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

**Resolution #125-16**

The governing body hereby hires Robyn Seif as the Administrative Assistant for the Middlesex Police Department for 37½ hours per week at an annual salary of \$36,000 effective immediately pending a satisfactory drug/alcohol screening.

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

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The Borough Clerk read the following resolution:

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

### **Resolution #128-16**

The governing hereby approves Phil Lore as the Medical Transportation Driver for the Office of Aging and Disabled Services effective June 15, 2016 at a rate of \$13.90 per hour pending a satisfactory driving abstract and drug/alcohol screening.

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

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The Borough Clerk read the following resolution:

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

### **Resolution #130-16**

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

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Violating the Open Public Meetings regarding Executive Session Meeting – Mayor DiMura stated that on January 1 he spoke about putting our differences aside and working together. For the first almost six months of the year I think we have all done just that. We have been able to get things done that have been sitting around for a while and now we are starting to move our community in the right direction.

That's why I was taken back when someone from the public came into my office and spoke to me about an issue that was discussed in our executive session the night before. And what made it even more puzzling is that it was not accurate.

I am disappointed that someone would jeopardize all we have accomplished this year for a personal or political advantage.

We are all sworn to abide by laws that govern us and one of those laws has to do with the confidentiality of our executive sessions. We are not able to publicize anything discussed in Executive Session until the privilege no longer applies. By breaking that confidentiality you are putting yourself, your fellow members of the governing body and most of all the taxpayers of this community in jeopardy.

This cannot happen again, that is why I am asking our attorney to do an internal investigation. My advice to the person that did this is to speak to our attorney and make sure that they understand their responsibilities.

2. Possible Roads for the 2017 NJDOT Grant – Mayor DiMura is looking for suggestions for the 2017 NJDOT Grant which will be filed in the fall. Mayor DiMura requested that the council bring suggestions to the June 28, 2017 Regular Meeting.
3. 2016 Stream Cleaning – Mayor DiMura discussed the hiring of 13 temporary employees to do stream cleaning starting August 1. A consensus of council was to advertise for these part time employees, with a maximum of 10 employees. Councilman Kaplan has prepared a schedule for stream cleaning and we are now starting the third phase of this schedule. Mayor DiMura would like these employees to concentrate on the area behind Mountain View Park, and Councilman Kaplan suggested that these employees do an overview in the Phase 1 and Phase 2 areas. Applications will be distributed from the Clerk's Office.
4. Moisha Building – Mayor spoke with Barry Palumbo and Moisha is scheduled for court next month, but Ms. Palumbo stated that whatever happens in court does not matter what we can do. At this time the Board of Health is concerned with the Zika virus because of the puddling of water and open sewer. Councilman Kaplan also would not recommend anyone going over there because of it being an unsafe structure. Councilman Kaplan questioned if we can knock it down and put a lien on this property. Mayor DiMura indicated that we would need to send a letter to them and per Attorney Aithal's recommendation giving them 30 days to respond before moving forward. Mayor DiMura recommended having the Code Enforcer send out this letter, find funds to knock it down and put a lien on the property. A consensus of council was taken and agreed to move forward.

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## **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Sharon Smigel, 27 Washington Avenue questioned if the Mayor would expand on the violation of the Open Public Meeting Act.

Mayor DiMura indicated that a member of the public came in and told him about what was discussed in executive session. They were speaking about the administrator position and the mayor asked the governing body to amend the ordinance to basically state that if the Mayor does the job of Administrator during the time that it is vacant the Mayor should be compensated for doing that job. It takes a lot of time to do the work and in the future when we don't have an Administrator the Mayor should be compensated. There was a consensus of council to look into this in the future. Mayor DiMura stated that that topic was discussed outside of the meeting and the discussion was that he was looking for payment for his services and that wasn't correct. Mayor DiMura indicated that trust is important and must be kept confidential.

Sharon Smigel also questioned what is considered a reasonable amount of time before Executive Session can be made public. Attorney Aithal indicated that there are 8 categories that are required in executive session and the meeting minutes cannot be made available to the public until the subject is resolved, as in the settlement of contract negotiations. If Council approves the executive meeting minutes and an item is not resolved, the Clerk can release the approved minutes redacting the item that is still not resolved.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

**Resolution #132-16**

**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. Tax Collector/Deputy Tax Collector

2. DPW Manager Presentation which includes the hiring of part time and full time employees
3. Construction Department Office Manager
4. Part Time Finance Clerk

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

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

### **ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Borough Clerk read the following resolution:

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

### **Resolution #131-16**

The governing body hereby hires Patricia Romano of Middlesex, New Jersey as a Part Time Finance Clerk for the Finance Department for 28 hours per week at an hourly rate of \$15.00 per hour effective June 20, 2016 pending a satisfactory background check and drug/alcohol screening.

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
JUNE 28, 2016**

**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	Ron DiMura
Council President	Sean Kaplan (absent)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS-NONE**

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**APPOINTMENTS**

Mayor DiMura appointed Laura Mazzacco to the Beautification Committee for 2016.

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS-NONE**

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The Borough Clerk read Ordinance No. 1892-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1892-16**

**AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH MIDDLESEX"**

**CHAPTER 343-8 PROHIBITING SMOKING/VAPING ON OUTDOOR GROUNDS OF  
BOROUGH PUBLIC PARKS AND RECREATIONAL AREAS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of



Middlesex, State of New Jersey, that:

### **Article I. Definitions**

A. Smoking/Vaping means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

B. Electronic smoking/vaping device means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

### **Article II. Smoking on School Property**

#### 343-1. Smoking Prohibited

The smoking of tobacco products within or on any school facility, property or vehicle owned, leased or contracted by the district by an individual within the Borough of Middlesex is prohibited. Consistent with N.J.S.A. 26:3D-16, "smoking or vaping" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or nicotine delivery system, except as part of a classroom instruction or theatrical production.

### **Article III. Smoking in Public Places**

#### 343-8. Smoking on Outdoor Grounds of Borough Public Parks and Recreational Areas Prohibited.

A. No person shall smoke while on the outdoor grounds of any and all of the Borough public parks, whether owned, leased or utilized by the Borough including Recreational Areas.

B. Any and all educational facilities.

C. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of "protecting public health".

**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. Any existing ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistency.

2. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Mayor DiMura opened the Public Hearing on Ordinance 1892-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance 1892-16.

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

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### **ADOPTION OF MINUTES**

Councilman Schueler made a motion to approve the June 14, 2016 Regular Meeting Minutes and Executive Meeting Minutes and the June 21, 2016 Special Executive Meeting Minutes seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light –
  - A. Councilman Madden reported that the new lap pool construction is progressing. The plaster coat inside the pool is completed. The pool is filled and the filter system is currently on line. The system must run a minimum of one week to stabilize and balance the chemicals.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Council President Kaplan was absent
4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report
5. Police/Legal/Code Enforcement/Construction/Municipal Court -
  - A. Councilman Mikolajczyk made a motion to approve the May, 2016 Police Department Report seconded by Councilman Greco and carried by a unanimous vote of Council.
  - B. Councilman Mikolajczyk congratulated Officer Sean Flanagan on his advancement to Patrolman Class D
  - C. Councilman Mikolajczyk also reported that the fishing derby was held this past Saturday and it was well organized, well attended and a huge success. He congratulated the Department and especially Officer Duca who did a fantastic job putting it together. Mayor DiMura commended everyone involved for doing a great job, including the DPW who did a great job getting the park ready for this event. Mayor DiMura also thanked the many off duty police officers that came out on their own time to participate in this event.

- D. Councilman Mikolajczyk also stated that our restructure of the Construction Department has Barrie Palumbo adding more hours. This is a really positive move for the department.
  - E. Councilman Mikolajczyk also reported that with regard to Community Day, he and the Mayor had a meeting in the park and things are really progressing.
6. Administration/Department of Senior Services/Legislation/Licensing –
- A. Councilman Greco reported that under the Artemis Records Retention Schedule, the Clerk's Office completed the records reorganization. We processed a total of 404 cubic feet of records that were stored in the vault. Each of these records was reviewed and identified. The records that were process that were not beyond their retention were re-boxed. All of the boxes or records not beyond their retention were labeled with the Records Retention schedule Number, the Record Series Number, Retention Requirement, Destruction Date, and an assigned box number that corresponds to the inventory spreadsheet. Records eligible for destruction were marked and are awaiting destruction by Middlesex County's Shredding Program. Of the 404 cubic feet of records, 266 cubic feet or 66% were retained. There were 128 cubic feet or 32% eligible for destruction. This project puts the Borough in a better place to identify records which are requested through OPRA and helps us maintain a system for future identification.
  - B. Councilman Greco stated that we are moving forward with the website and social media. The Borough is looking to move forward with our new website in the beginning of September and is working on the changes as we speak.

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## REPORTS

### Mayor

1. Stream Cleaning – Councilmatic Committee - Mayor DiMura formed a Stream Cleaning Committee, which will be headed by Council President Kaplan and include Councilman Schueler and Council Madden. This Committee will be responsible to meet and bring back a plan to the July 19, 2016 Regular Meeting regarding the stream cleaning that will begin on August.
2. Borough Attorney's Investigative Report regarding Violating the Open Public Meetings Act regarding Executive Session Meeting – Borough Attorney Aithal reported that in regard to the directive that he received by the governing body to speak with all council members as to whether they had inadvertently mentioned information about executive session topics prior to the release of minutes for approval that has been done. In speaking with all of the council members he indicated that there may have been an inadvertent disclosure of executive session topics by more than one individual. Attorney Aithal indicated that it was his purpose to advise the council of the law and the policy in terms of requirements to keep transparency and confidential matters confidential to the public and that has been

done. Mayor DiMura feels that the council has worked very good together and he would like to continue and have everyone understand how important it is to keep closed session confidential.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(Q)**

**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 #138-16, Resolution #146-16, and #148-16 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 #133-16 – Resolution #137-16  
Resolution #139-16 – Resolution #145-16  
Resolution #147-16  
Resolution #149-16 – Resolution #151-18

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

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The Borough Clerk read the following resolution:

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

**Resolution #133-16**

**WHEREAS**, Ron Snyder was issued a street opening permit on 1/23/15; and

**WHEREAS**, Ron Snyder deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 920 Voorhees Avenue was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Ron Snyder, 209 Warrentown Road, Greenbrook, NJ 08812, for refund of Street Opening Permit No. 2015-002.

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The Borough Clerk read the following resolution:

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

**Resolution #134-16**

**WHEREAS**, Bertram Randall Ziegler, applied to the Construction Office for a Residential Resale Certificate for 105-107 Hallock Avenue; and

**WHEREAS**, Bertram Randall Ziegler submitted Check #218 in the amount of \$200.00 on 06/02/16 in payment of said Residential Resale Certificate for a two-family attached dwelling; and

**WHEREAS**, no inspections were made and the sale did not take place.

**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 \$200.00 in favor of Bertram Randall Ziegler, 107 Hallock Avenue, Middlesex, NJ 08846, for refund of fee for Residential Resale Certificate.

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The Borough Clerk read the following resolution:

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

**Resolution #135-16**

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

**WHEREAS**, On June 15, 2016 Chief Geist recommended Police Officer Sean Flanagan be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Sean Flanagan be and is hereby advanced in grade to Patrolman Class "D" effective July 10, 2016 at an annual salary of \$77,854.

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The Borough Clerk read the following resolution:

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

**Resolution #136-16**

**A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, NJ HEALTH BENEFITS PLANS**

**WHEREAS**, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

**WHEREAS**, certain retired employees of the Borough have applied for reimbursement.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw checks, charged against Insurance (1) Group Insurance for Employees from the period January through July, 2016, as follows:

James L Benson 445 Harris Ave Middlesex, NJ 08846	\$629.40	Patricia A Benson 445 Harris Ave Middlesex, NJ 08846	\$629.40
Archie J Blood Jr 54 Lincoln Ave Barnegat, NJ 08005	\$578.40	Margie L Blood 54 Lincoln Ave Barnegat, NJ 08005	\$629.40
Anthony Cole 246 Oak Dr Middlesex, NJ 08846	\$578.40	Susan Cole 246 Oak Dr Middlesex, NJ 08846	\$578.40
Dorothy Coren 20 Mead Ave Middlesex, NJ 08846	\$663.00	Joseph Coren 20 Mead Ave Middlesex, NJ 08846	\$1,069.80
John Giuliano 339 Second St Middlesex, NJ 08846	\$578.40		
John A Haverstick	\$730.80	Thomas Lynch	\$629.40

771 County Rt 16  
Mexico, NY 13114-3193

359 Market St  
Middlesex, NJ 08846

Charlie Nash \$578.40  
213 Melrose Ave  
Middlesex, NJ 08846

Jerome Nowak \$578.40  
1886 East Fir Ave, Apt  
104  
Fresno, CA 93720

Arthur Roberts \$578.40  
305 Harris Ave  
Middlesex, NJ 08846

Erica Schaefer \$629.40  
58 Joe-Ent Rd  
Flemington, NJ 08822

Jerry Schaefer \$629.40  
58 Joe-Ent Rd  
Flemington, NJ 08822

Lorraine Smith \$578.40  
5602 Gold Ct  
New Bern, NC 28560-  
9747

Earl S Thompson \$624.00  
6525 41 Ave North  
St Petersburg, FL  
33709-4907

Karen Thompson \$624.00  
6525 41 Ave North  
St Petersburg, FL 33709-  
4907

James Tolomeo \$629.40  
841 West Second St  
Middlesex, NJ 08846

Rita Wahler \$599.40  
16 Fitzsimmons Ave  
Middlesex, NJ 08846

Roger Wahler \$629.40  
16 Fitzsimmons Ave  
Middlesex, NJ 08846

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The Borough Clerk read the following resolution:

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

**Resolution #137-16**

The application for renewal of the Liquor License below for the year 2016-2017 which has been approved by the Police Department, Fire Department, Board of Health be accepted; and the Borough Clerk is hereby authorized to issue the following license in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

Timothy Kerwin's Inc.  
353 Bound Brook Road

1211-33-009-003

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The Borough Clerk read the following resolution:

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

**Resolution #139-16**

The Governing Body hereby appoints Darcy DelVecchio the Deputy Tax Collector for the Borough of Middlesex effective May 31, 2016 for a salary of \$42,190.00 for 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #140-16**

The Governing Body hereby appoints Barrie Palumbo as the Construction Department Office Manager/Zoning Officer/Code Enforcer effective July 11, 2016 for an annual salary of \$55,000. Ms. Palumbo will work for 8 hours per day, 24 hours per week on Tuesday, Thursday and Friday.

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The Borough Clerk read the following resolution:

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

**Resolution #141-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$48,921, which item is now available as a revenue from the Federal Community Development Block Grant Communities Program in the amount of \$48,921;

**BE IT FURTHER RESOLVED** that the like sum of \$48,921 is hereby appropriated under the caption of "2016 Federal Community Development Block Grant Program; and



**BE IT FURTHER RESOLVED** that the above is a result of a Federal Grant of \$48,921 from the Federal Community Development Block Grant Program.

---

The Borough Clerk read the following resolution:

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

**Resolution #142-16**

The governing body hereby rescinds Resolution #129-16, Specials Items of Revenue and Appropriation adopted on June 14, 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #143-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$32,202.94, which item is now available as a revenue from the State Grant of Clean Communities Program in the amount of \$32,202.94;

**BE IT FURTHER RESOLVED** that the like sum of \$32,202.94 is hereby appropriated under the caption of "State Grant of Clean Communities Program; and

**BE IT FURTHER RESOLVED** that the above is a result of a State Grant of \$32,202.94 from the State Grant of Clean Communities Program.

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The Borough Clerk read the following resolution:

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

**Resolution #144-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$20,965.00, which item is now available as a revenue from the Middlesex Municipal Alliance Grant Program in the amount of \$20,965.00;

**BE IT FURTHER RESOLVED** that the like sum of \$20,965.00 is hereby appropriated under the caption of "Middlesex County Municipal Alliance Grant Program; and

**BE IT FURTHER RESOLVED** that the above is a result of a County Grant of \$20,965.00 from the Middlesex County Municipal Alliance Grant Program.

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The Borough Clerk read the following resolution:

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

**Resolution #145-16**

The governing body authorizes the refund of Permit Fees in the amount of \$245.00 to the Middlesex Borough Rescue Squad for the update for the Rooftop HVAC Replacement System.

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The Borough Clerk read the following resolution:

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

**Resolution #147-16**

The governing body hereby appoints Ms. Denise Biancamano as a part time Tax Collector for the Borough of Middlesex for a salary of \$25,000 effective immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #149-16**

The governing body accepts the retirement of Howard R. Killian as a Crossing Guard with the Police Department effective June 16, 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #150-16**

The Governing Body hereby waives the Permit fees for the Middlesex Borough Rescue Squad for the HVAC System Duct Detector.

---

The Borough Clerk read the following resolution:

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

**Resolution #151-16**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX  
AUTHORIZING THE EXTENSION OF THE GRACE PERIOD FOR THIRD QUARTER TAXES  
DUE ON AUGUST 1, 2016 TO AUGUST 22, 2016**

**WHEREAS**, 2016 Third Quarter Taxes are payable on August 1, 2016; and

**WHEREAS**, the grace period for payment without interest extends through August 22, 2016; and

**WHEREAS**, it is deemed that the grace period be extended due to the late mailing of the 2016 Final Tax Bills;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that the grace period for the payment of 2016 Third Quarter be extended through August 22, 2016; and

**BE IT FURTHER RESOLVED** that any Third Quarter Tax payments received after August 22, 2016 shall accrue interest from the statutory due date of August 1, 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #138-16**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

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

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body, and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52-to wit:

R.S. 52:27BB-52 – A local officer or member of a Local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Middlesex, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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The Borough Clerk read the following resolution:

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

**Resolution #146-16**

The governing body hereby approves the following three DPW part time employees to full time laborers in the DPW at 40 hours per week at \$14.71 per hour effective immediately.

Dylan Wyatt	Vincent Dispenziere	Sal Dispenziere
15 Dayton Avenue	704 Voorhees Avenue	704 Voorhees Avenue
Middlesex, NJ	Middlesex, NJ	Middlesex, NJ

Councilman Madden made a motion to amend the resolution to include the DPW department name seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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

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The Borough Clerk read the following resolution:

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

**Resolution #148-16**

The governing body hereby approves transferring the following HUD Grant Fund in the amount of \$40,657.00 from the accounts listed below into a separate account designated for Borough Hall Building Improvements:

<u>Account No.</u>	<u>Amount</u>
CD1517 Senior Center Improvements	\$15,346.00
CD1324 Senior Center Improvements	\$10,800.00
CD1422 Lincoln Park Improvements	\$ 9,544.20

CD1427 Daisy Park Improvements	\$ 2,581.30
CD1330 Rescue Squad Generator	\$ 2,386.00
<b>TOTAL</b>	<b>\$40,657.50</b>

Councilman Madden reported that on Wednesday, June 22, 2016 the HUD Committee met to discuss the outstanding HUD Funds that the Borough has received and has not expended. The County informed us that if we do not expend these funds as soon as possible, they will be recaptured by HUD. Mayor DiMura recommended that the Committee consider using \$40,657 of the outstanding funds for Borough Hall Building Improvements, which will include a new main entrance door and back door that are handicapped accessible. The Committee agreed with this recommendation and a transfer resolution will be put on the Agenda this evening for approval.

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

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The Borough Clerk read the following resolution:

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

**Resolution #152-16**

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

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Mayor DiMura added the Piscataway Sewer Bill and the Finance Clerk to the Executive Session discussion under Resolution #153-16.

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**PUBLIC COMMENTS**

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

Kim Keyes, 331 Dorn Avenue attended the meeting on behalf of the Board of Education regarding the Recreation Committee Meetings, indicating that because they are held on Board of Education meeting nights, they are unable to have representation at these meetings. They feel that they would like to attend to have input as far as the recreation programs in town, in order to keep the children athletics competitive with other towns. She is requesting that the Recreation Commission consider changing their meeting night. Mayor DiMura indicated that

this request should be brought directly to the Recreation Commission, chaired by Shirley Penrose.

Dave Oliver, 216 Ashland Road requested that the fields behind the north side houses on Ashland Road be cut. Mayor DiMura indicated that this will be handled by an outside contractor within the next week.

Amy Burke, 533 Giles Avenue on behalf of the Board of Health thanked the Mayor, Council and Borough Attorney for passing the ordinance prohibiting smoking and vaping in the parks.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Proposed roads for NJDOT 2017 Grant – Council agreed on the following roads for suggestions for the NJDOT 2017 Grant Application: Shepherd Avenue, Drake (drainage), Ashland Road and Walnut Street.
2. Ordinance regarding Bamboo Planting – Council was in agreement to have Mayor DiMura direct the Borough Attorney to discuss with the Code Enforcer a possible resolution to the problem that residents are having regarding the spreading of the bamboo. Borough Attorney will report back at the July 19, 2016 Regular Meeting.
3. Amendment to Parks Ordinance – The Recreation Director requested to amend Ordinance 1854-14 to include a \$90/hr. maintenance fee for baseball/softball games, (single games and doubleheaders) as to offset the cost of the borough maintaining the field. A consensus of council was taken to introduce this ordinance at the July 19, 2016 Regular Meeting.
4. Lincoln Boulevard Redevelopment Plan – Council approved to authorize the Planning Board to review proposed amendments and refinements to the Redevelopment Plan and to report its findings to the Borough Council for approval.
5. 2016 Mill & Pave Program – The following roads are scheduled for this project: Lincoln Avenue (Bound Brook Road to Market Street), West Second Street (Entire Road), Giles Avenue, Cook Avenue, Howard Avenue, & Lorraine Avenue (100 Block), Fairfield Avenue (Entire Road), Anne Street (Entire Road), Market Street (Second Avenue to Grandview), and Voorhees Avenue (Mountain Avenue to Cedar Avenue. Mayor DiMura would like to use \$700,000 from last year and this year's capital budget and requested council's permission to use \$300,000 from the funds from the sale of the tower. Council discussed these funds and Councilman Mikolajczyk was concerned with the use of funds from the cell tower being used, as he mentioned that these funds could be put toward the sewers and also the possibility of using some funds for the football field lights. The Mayor will be meeting next week with our professionals to discuss the sewers, which is a 11 million dollar project, and the lights for the football field are being put into our capital budget. Mayor DiMura mentioned that the borough has not done any roads in the last 3

years and it is important to reinvest in our community with the mill and pave project. Consensus of council to move forward on this program.

6. Senate Bill S2254 and Assembly Bill A3821 – We are being requested by neighboring towns to support this bill regarding Affordable Housing Reform. At this point the courts are making a decision of what our Affordable Housing number is needed in the borough. Mayor DiMura is recommending a consensus of council to support this bill which will alleviate the pressure on the smaller municipalities when it comes to affordable housing. Council approved putting this resolution on the next meeting.
7. LED Lighting Ordinance – this was referred back to Councilman Schueler to go back to the Planning Board. He was told that every property has a site plan and they are either bound by that or this ordinance, depending on whether they are making a change that is not included in their site plan. If we pass this ordinance we will have to get a new site plan to allow these lights. The LED lights are not compliant with the current ordinance. They are trying to discourage the use of these lights, because they are not consistent with the master plan and current ordinances. Council discussed this ordinance and agreed to have the Borough Attorney reach out to the Planning Board Attorney regarding how this will be policed with the existing property owners and if ready introduce at the August 16, 2016 Regular Meeting.

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## PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

### Resolution #153-16

**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. Interview Borough Administrator
2. Hiring of Permanent Part-time DPW Employees

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan (absent)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
JULY 12, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of July 7, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted on the Middlesex Borough Website and at the Municipal Building.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk (late)

Attorney: Aravind Aithal

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The Borough Clerk read the following resolution:

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

**Resolution #154-16**

The Governing Body hereby appoints the following DPW permanent part-time laborers for 28 hours per week at \$12.00 per hour pending a satisfactory background check, physical (including drug/alcohol test), and driving abstract effective July 18, 2016.

Jesse Cribb	Alberto Garcia	Carlos Villegas
372 Lenox Ave.	74 Noble Street	306 Second Street
Milltown, NJ 08850	South Bound Brook, NJ 08880	Middlesex, NJ 08846

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

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The Borough Clerk read the following resolution:

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

**Resolution #155-16**

The Governing Body hereby accepts the termination of Patricia Romano effective June 28, 2016.

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

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The Borough Clerk read the following resolution:

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

**Resolution #155-16**

The Governing Body hereby appoints Toni Kisly of Middlesex Borough as a part-time Finance Clerk in the Finance Office for 28 hours per week at \$15.00 per hour pending a satisfactory background check and satisfactory drug/alcohol test effective July 5, 2016.

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

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**PUBLIC COMMENTS**

Mayor DiMura opened the public portion of the meeting for any comments. Seeing no public participation, Mayor DiMura closed the public portion of the meeting.

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The Borough Clerk read the following resolution:

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

**Resolution #157-16**

**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. Interview Borough Administrator

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

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikołajczyk

Attorney:	Aravind Aithal
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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
JULY 19, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco (absent)
	Patrick Corley
	John Madden
	Bob Schueler (absent)
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS**

Ms. Jenna Giaquinto, Prevention Associate with the New Jersey Prevention Network made a presentation regarding becoming tobacco-free for a healthier Middlesex Borough. Ms. Giaquinto congratulated Middlesex Borough for being the 300<sup>th</sup> Community to adopt an Outdoor Recreation Ordinance that prohibits smoking in public parks. This ordinance has already been adopted by other towns in Middlesex County, which include South Plainfield, Woodbridge, Carteret, Perth Amboy, South Amboy, Sayreville, South River, East Brunswick, Spotswood, Helmetta, North Brunswick and South Brunswick.

Ms. Giaquinto mentioned that 18 municipalities in New Jersey have adopted ordinances that raised the age of sale of tobacco to 21, which include Highland Park and Sayreville. Ms. Giaquinto discussed the facts/concerns that are beneficial to adopting this ordinance which would increase the age of sale of tobacco to 21 which include:

- (1) Tobacco use remains the leading cause of preventable death in the U.S.
- (2) The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use
- (3) 95% of adult smokers begin smoking before they turn 21
- (4) Big Tobacco directly targets kids and young adults with flavors like bubble gum, gummi bear and pina colada

- (5) Adolescents are more vulnerable than older adults to nicotine addiction, which can harm brain development
- (6) Older adolescents and young adults are a source of cigarettes to youth.
- (7) Electronic smoking device use among minors has recently tripled.

Ms. Giaquinto stated that the benefits of adopting this age of sale policy would help to lower the overall tobacco use rates by reducing and delaying the onset of tobacco use, it would reduce youth access and usage (Increase the age gap between adolescent initiating tobacco use and those who can legally provide them, keeping them out of high school, as those who start smoking by the age of 18 are almost twice as likely to become lifetime smokers as those who start after they turn 21), and it will simplify ID checks for retailers.

Ms. Giaquinto also discussed the claims against moving the age of sale to 21 which include:

- (1) Impact on Retail – (The loss of revenue for this age group (18-21 is 3% of total smokers)
- (2) Crossing Community Lines – (How Massachusetts community that adopted this ordinance decreased the smoking rates twice as much compared to other towns that had not adopted an ordinance reducing the age of sale)
- (3) Legal voting age is 18 – (Discussed working to decrease use of tobacco in the Military)

Mayor DiMura expressed his concern that young adults can go to a neighboring municipality to purchase cigarettes if the surrounding municipalities do not adopt this ordinance and it might put an unjust impact on retail businesses.

The governing body also discussed their concern with the danger of ingesting or inhaling the chemicals, the flavors, vaping, enforcing the ordinance, educational programs offered, grandfathering the present 19 – 21 year olds, and taking this privilege away from an 18 year old legal adult.

Councilman Kaplan will discuss this at the Board of Health Meeting and will get information to be given to local businesses that sell these products. Councilman Kaplan indicated that we will be providing signage for the local businesses and the County Board of Health will also visit the businesses. Councilman Kaplan stated that this is a safety factor for our children and the Board of Health is looking out for our safety and our children.

Mayor DiMura mentioned that this ordinance will be discussed further at the August 16, 2016 Regular Meeting.

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Charles Wrobel made a presentation to the governing body about their approval to hold a benefit concert in Mountainview Park in 2017 and provide free beer. This will be a concert to raise money for veterans. He also spoke with the Police Department and is aware of Police coverage. He would like to have council consider having him hold the concert on the football field and would like to donate the profits to the veteran's hospital. Mayor DiMura stated that this request will be put on the August 16, 2016 meeting agenda for discussion.

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## **APPOINTMENTS**

The Borough Clerk read the following resolution:

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

**Resolution #157-16**

**WHEREAS**, Anthony Painchaud has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Anthony Painchaud be appointed to the position of Probationary Patrolman effective July 20, 2016 at an annual salary of \$51,339.00.

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

1. Anthony Painchaud is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective July 20, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

Councilman Kaplan made a motion for adoption seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

Chief Geist thanked the Mayor and Council for support with the recruit process and welcomed Anthony to their team. Chief Geist also thanked the Mayor and Council for all of their support of the Police Department.

Mayor DiMura stated that with everything going on around the country with the police we are lucky because over the past year we have a police department that has worked closely with the governing body to reach out to the community and be sure that we all work together to keep Middlesex a great and safe place to live.

Mayor DiMura indicated that every day they go out and we take for granted that it is Middlesex borough, but last week we had a drive by shooting in Dunellen. Every day that they put that uniform on they do not know what they are going to find at each call, and we are lucky to have the department that we have and that works together with us. Mayor DiMura thanked the Chief and all the members of the Department because they are doing a great job of protecting the people of Middlesex Borough.

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Mayor DiMura appointed Andrea Corcoran to the Ethics Board

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

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The Borough Clerk read Ordinance No. 1893-16 by title for introduction.

**ORDINANCE NO. 1893-16**

**BOND ORDINANCE PROVIDING FOR THE 2016 CAPITAL IMPROVEMENT PROGRAM BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$1,393,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$989,780 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,393,000, which sum includes a \$353,700 grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$49,520 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$1,393,000 appropriation not provided for by said Grant or down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$989,780 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$989,780 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are as follows:

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
A. <u>Fire Department</u>  Acquisition of a plow for a fire truck;	\$8,000	\$7,615	\$385	10 years



<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
B. <u>Fire Department</u>  Acquisition of gear and uniforms;	\$50,000	\$47,615	\$2,385	5 years
C. <u>Roads</u>  Acquisition of a vertical crack filler machine;	\$42,083	\$40,075	\$2,008	15 years
D. <u>Parks</u>  Acquisition of a back stop for Haverstick Field, a mower, a lip broom, a 4 x 4 work cart and a power washer and installation of athletic field lighting at Mountain View Park;	\$588,267	\$560,250	\$28,017	15 years
E. <u>Computer Data Services</u>  Replacement of computer servers and improvements to the telecommunications network closet at Borough Hall, installation of WiFi at and acquisition of computers for the Police Department; acquisition of computer equipment for a dispatch station, emergency office communications and the Police Department training room/situation room;	\$180,000	\$171,425	\$8,575	5 years

<u>Description</u>	Total <u>Appropriation</u>	Debt <u>Authorization</u>	Down <u>Payment</u>	Useful <u>Life</u>
F. <u>Sewers</u>  Installation of retrofits on stormwater basins throughout the Borough; and	\$35,200	\$33,520	\$1,680	40 years

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<p>G. <u>Mill and Overlay</u></p> <p>Various roadway improvements to Warrenville Road and all other roads listed on file with the Borough Clerk, such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements inlet, manhole and water valve replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition and installation of traffic signals, signage and bicycle corrals, as required throughout the Borough.</p> <p>Grand Total:</p>	<p><u>\$489,450</u></p> <p>(includes a \$353,700 NJDOT grant)</p> <p><u>\$1,393,000</u></p>	<p><u>\$129,280</u></p> <p><u>\$989,780</u></p>	<p><u>\$6,470</u></p> <p><u>\$49,520</u></p>	<p>20 years</p>

The appropriations set forth above also include all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$989,780.

b. The aggregate estimated cost of said improvements and purposes is \$1,393,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of \$49,520 plus the Grant in the amount of \$353,700.

**SECTION 4.** Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. Except for the Grant, in the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a

resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 14.248 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$989,780 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$250,000 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 improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any

bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$989,780. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Mikolajczyk made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1894-16 by title for introduction.

**ORDINANCE NO. 1894-16**

**AN ORDINANCE TO AMEND CHAPTER 301 PARKS AND RECREATION AREAS, SECTION 301-14 REGULATIONS AND FEES FOR USE OF THE PARK, TO INCLUDE SECTION 301-14C(6) IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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 include the following:

**§ 301-14C(6)**

- (6) Maintenance fees for all baseball and/or Softball fields (resident and non-resident):
- (a) Friday evening or Saturday (single game): \$90/hr.
  - (b) Saturday doubleheader: \$90/hr.
  - (c) Sunday: \$180/hr.
  - (d) Any rentals for play exceeding three (3) games in a single day shall incur a charge of not less than \$90/hr., two (2) hour minimum. Such fees shall be estimated prior to issuance of a Permit and shall be payable at the time of Permit issuance.

**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 Mikolajczyk made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1895-16 by title for introduction.

**ORDINANCE NO. 1895-16**

**AN ORDINANCE TO AMEND CHAPTER 272 MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS, 272-3 APPLICATION FEES; SECTION 272-6 APPLICATION FOR MASSAGE, BODYWORK AND SOMATIC THERAPIST'S PERMIT; REQUIREMENTS; SECTION 272-7 MASSAGE, BODYWORK AND SOMATIC THERAPIST PERMIT FEE; SECTION 272-12 PROHIBITED ACTIVITIES; REVOCATION OF PERMIT AND SECTION 272-13 VIOLATIONS AND PENALTIES IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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 include the following changes:

**1. § 272-3 Application Fees**

Every applicant for a permit to maintain, operate or conduct a massage, bodywork or somatic therapy establishment or out call massage, bodywork or somatic therapy service shall file an application with the Board of Health upon a form provided by said division and pay a fee of \$1,000. The permit to be issued shall be valid until March 31 of the year immediately following the year that the permit was issued hereunder.

**2. § 272-6 Application for massage, bodywork and somatic therapist's permit; requirements**

A. To be eligible for a permit as a massage, bodywork and somatic therapist an application shall submit satisfactory evidence of:

- (1) Successful completion of a minimum of 500 hours in-class study in the field of massage, bodywork or somatic therapy; or
- (2) Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.
- (3) Proof of licensure by the State of New Jersey as is now required by N.J.A.C. 13:37-16.1 and compliance with all provisions of the state regulations governing massage therapy.
- (4) The administering of massage, bodywork and/or somatic therapies for any form of consideration by any person not licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c. 19 amended 2007, c. 337 shall be prohibited throughout the Borough of Middlesex.

B. The following information concerning the application will be required:

- (1) The name, complete residence address and residence telephone number.
- (2) The two previous addresses immediately prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, sex and color of hair and eyes.
- (5) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
- (6) The massage therapy or similar business history and experience, including but not limited to whether or not such a person has previously operated in this or another city or state under a license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department.
- (8) The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

C. Applicants for massage therapy licensure, as well as those applying to operate a massage therapy business, are required to appear before the Middlesex Borough Board of Health prior to the issuance of said license and/or permit, so that the Board of Health may review all the information submitted with the application in order to determine if the applicant qualifies for the issuance of said license and/or permit, and the Board of Health will have the final review and will decide whether or not to approve or disapprove the issuance of the license and/or permit.

**3. §272-7 Massage, bodywork and somatic therapist permit fee**



An applicant for massage, bodywork or somatic therapist's license shall pay a permit fee of \$100, which permit shall be valid until March 31 of the year immediately following the year that the permit was issued hereunder.

**4. §272-12 Prohibited activities; revocation of permit**

- A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy; relating to the commission of adultery; and proscribing fornication; nor shall any owner or manager tolerate in his or her establishment an activity or behavior which violates this chapter.
- B. Any conviction of a bodywork or somatic therapy establishment or, any employee thereof, of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of the establishment, it being specifically declared that, following such a conviction of the owner or the manager of the establishment, shall be prosecuted as an accessory to such a violation and the required permits will be automatically revoked.
- C. Hours of operation shall not commence prior to 9:00 a.m. and shall not extend beyond 9:00 p.m.

**5. §272-13 Violations and penalties**

Any person violating the provisions of this chapter shall, upon conviction, be punished by imprisonment for a term not exceeding 90 days or by a fine not less than \$750 for a first violation hereunder, nor exceeding \$2,500 for a first violation, or both, in the discretion of the court. A second violation of any provisions of this chapter, shall be punished by imprisonment for a term not exceeding 90 days or by a fine of not less than \$1,500, nor exceeding \$3,000, or both. A third or subsequent violation of any provisions of this chapter, shall be punished by imprisonment for a term not exceeding 90 days or by a fine of not less than \$2,500, nor exceeding \$5,000, or both.

**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 Mikolajczyk made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

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**ADOPTION OF MINUTES**

Councilman Mikolajczyk made a motion to approve the July 12, 2016 Special Meeting Minutes seconded by Councilman Madden and carried by carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

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### **REPORTS – STANDING COMMITTEES:**

Mayor DiMura indicated that this is the last time he is going to remind council that they are required to have their reports into the Clerk by the Thursday before the Regular Meeting to be put on the Agenda. He would like to have council either get their report/information to the Clerk for the Agenda or let the Clerk know that you do not have anything to be placed on the Agenda. If we do not list information on our agenda, we are not being transparent to the public by not informing them what will be discussed. Mayor DiMura indicated that if you have anything listed on the Agenda, the mayor will not be calling for your report.

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler was absent.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Madden requested that a resolution be placed on the next Agenda supporting the Police Department and all first responders.
  - B. Councilman Madden also stated that in light of the recent events he would like the Finance Committee to look for more resources for the Police Department personnel and/or equipment. Mayor DiMura indicated that the budget has been set and the Chief hopes to appoint another new officer on the next meeting. The Mayor indicated that we have done everything in the budget to support the Police Department and they are in good shape to do what they need to do.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Council President Kaplan to accept the resignation of Chris Reichert from the Middlesex Fire Department seconded by Council President Madden and carried by a unanimous vote of Council.
  - B. Middlesex Borough Flood Map – Councilman Kaplan indicated that several years ago the state changed the flood zone map in Middlesex and recently residents flood insurance has either doubled or tripled. Councilman Kaplan spoke with the Freeholders and was informed that Woodbridge challenged their flood maps and had an opportunity to hire an attorney to challenge these maps and won their challenge. Councilman Kaplan requested council's permission to look further into challenging the flood map in Middlesex Borough in order to help our residents save money. Mayor DiMura indicated that this matter will be discussed further at the August 16, 2016 Regular Meeting.
  - C. Councilman Kaplan reported that Middlesex Borough Fire Department received a pontoon boat with a motor and trailer from Middlesex County. This boat was acquired with the help of Jim Rinker and Mayor DiMura. The Fire Department will

have 10 people trained for swift water rescue. Council will go to Beechwood Fire House to look at the boat on August 30 at 7 PM.

4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court -
  - A. Councilman Mikolajczyk moved the June Police Report seconded by Councilman Madden and carried by a unanimous vote of Council.
  - B. Councilman Mikolajczyk stated that with all the tragedies involving the police in the recent news our condolences to the families involved and want to assure the public that the Middlesex Police department is keenly aware of the recent events and is prepared.
  - C. Councilman Mikolajczyk reported that on the agenda tonight was Resolution #157-16, appointing Anthony Painchaud as a Probationary Patrolman for the Borough. Welcome aboard.
  - D. Councilman Mikolajczyk stated that on Tuesday, August 2nd, 2016, residents of Middlesex Borough are invited to join forces with thousands of communities nationwide for the “33rd Annual National Night Out” crime and drug prevention event. National Night Out, which is sponsored by the National Association of Town Watch and co-sponsored locally by the Middlesex Borough Police. It involves over 16,728 communities from all 50 states. In all, over 38.3 million people are expected to participate in “America’s Night Out Against Crime.” National Night Out is designed to: heighten crime and drug prevention awareness, generate support for, and participation in local anticrime efforts, strengthen neighborhood spirit and police community partnerships, and send a message to criminals letting them know neighborhoods are organized and fighting back. The community event will be held on August 2nd, from 6 to 8:30 p.m. at Mountain View Park. The event will be co-hosted by the Middlesex Borough Drug Alliance Committee. All members of the community are invited to join in for a night of fun, games, activities, music, snacks, and giveaways in a safe, crime and drug free environment. Members of local emergency services, businesses, clubs, organizations, and PBA Local 181 will be present to help make the night an enjoyable one. The Middlesex Borough Recreation Department and The Middlesex Borough Drug Alliance Committee will be showing a movie outdoors immediately following the event. Guests are encouraged to bring blankets and lawn chairs for comfort.
  - E. Councilman Mikolajczyk reported that Community Day is this Saturday 1-9 at Mountainview Park. We have a full day of entertainment for children and live entertainment featuring local entertainers. We have approximately 30 booth spaces and a few more to come. I’ve been reporting on this for the past few months but I would be remiss to not mention that this has been a real group effort by all involved and we are looking forward to a stellar event.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent.

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## REPORTS

### Mayor

1. Stream Cleaning Report – Mayor DiMura formed a Stream Cleaning Committee last meeting of Councilman Kaplan, Councilman Schueler and Councilman Madden and requested that they meet and present a plan at the August 16, 2016 Regular Meeting. The Clerk's Office only has received 3 applications for the stream cleaning to date and will expand on their application search.
2. Mayor DiMura is requesting that council meet with their respective department heads to review their budgets in the next 2 – 3 weeks. The treasurer will provide copies of the budgets in your mailbox.

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The Borough Clerk read the following resolution:

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

### **Consent Agenda 2016(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 wish to remove Resolution #158-16 and #159-16 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 #160-16 – Resolution #163-16

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

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The Borough Clerk read the following resolution:

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

### **Resolution #160-16**

At the recommendation of the CFO, the governing body approves Acclaim Inventory LLC, Edison, New Jersey to provide a Fixed Asset Inventory with a \$500 threshold in an amount not to exceed \$4,000.

The Treasurer certifies funds in the amount of \$4,000 are available in Account No. 6-01-35-470-000-101.

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The Borough Clerk read the following resolution:

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

**Resolution #161-16**

**WHEREAS**, bids were received July 7, 2016 for 2015 NJDOT Road Improvements, South Avenue;

**WHEREAS**, the following bids listed below were received for this project:

Black Rock Enterprises LLC Old Bridge, NJ	\$2,025,701.58 Base Bid
Reivax Contracting Newark, NJ	\$2,251,701.00 Base Bid
Assuncao Brothers Inc. Edison, NJ	\$2,301,556.32 Base Bid
Landtek Construction LLC Piscataway, NJ	\$2,534,110.96 Base Bid

**WHEREAS**, the Borough Engineer recommends awarding the bid to Black Rock Enterprises LLC in the amount of \$2,025,701.58 contingent upon the Borough Attorney's review and availability of funds for this project.

**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 recommendation of the Borough Engineer, the governing body hereby awards the bid for the 2015 NJDOT Road Improvements, South Avenue to Black Rock Enterprises LLC in the amount of \$2,025,701.58 contingent upon the Borough Attorney's review and availability of funds for this project.

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The Borough Clerk read the following resolution:

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

**Resolution #162-16**

**RESOLUTION OF THE BOROUGH OF MIDDLESEX AUTHORIZING CONTRACT CHANGE ORDERS FOR IMPROVEMENTS TO THE MIDDLESEX COMMUNITY POOL**

**WHEREAS**, the Borough of Middlesex ("Borough") awarded a contract to Jamali Developers, LLC, of East Brunswick, NJ, for improvements to the Community Pool ("Project") in the amount of \$1,056,460.00; and

**WHEREAS**, additional work is required for the Project that was not included in the original scope of work outlined by the Borough and not anticipated in Contractor's proposal to the Borough; and

**WHEREAS**, the total change in work amounts to a total increase not to exceed \$178,588.21 for a final total not to exceed \$1,235,048.21, a 14.5% increase; and

**WHEREAS**, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

**WHEREAS**, the Borough Community Pool Commission has reviewed Contract Change Order Nos. 001, 002, 003, 004, 005, 009, 010, 014, 025, 028, 030, 033 and 038, a copy of which are on file with the Municipal Clerk's Office and made a part hereof, and recommend approving same; and

**WHEREAS**, there is funding available pursuant to Account No. P-06-14-852-000-101; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, that that the appropriate municipal officials be and are hereby authorized to amend the total contract amount with Jamali Developers, LLC from \$1,056,460.00 to \$1,235,048.21, and ratify and execute Contract Change Order Nos. 001, 002, 003, 004, 005, 009, 010, 014, 025, 028, 030, 033 and 038 in the amount of \$178,588.21 due to increased work required for the Project, subject to all bid specifications and contract documents.

**NOW FURTHER BE IT RESOLVED** that the Treasurer certifies that the unencumbered balance in funds available in Account No. P-06-14-852-000-101 in the amount of \$196,259.00 as of July 13, 2016 are sufficient to pay the cost of the contract awarded herein.

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The Borough Clerk read the following resolution:

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

**Resolution #163-16**

**WHEREAS**, in order to stimulate redevelopment, the Borough Council, (the "Borough Council") of the Borough of Middlesex ("Borough") pursuant to Resolution #324-13 designated certain

properties within Lincoln Boulevard from The Borough of Bound Brook border to two-hundred feet (200') east of its intersection with Mountain Boulevard to William Street in need of rehabilitation; and

**WHEREAS**, pursuant to Resolutions #69-14, #158-14 and #253-14 the Borough Council adopted the Lincoln Boulevard Redevelopment Plan for parcels within that area (the "Redevelopment Plan" or "Redevelopment Area"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

**WHEREAS**, during the time since adoption of the Redevelopment Plan, little development has occurred in the Redevelopment Area under the Redevelopment Plan; and

**WHEREAS**, the Borough Council has determined that the Redevelopment Plan must be amended to address further refinement of the permitted uses and certain bulk standards for that area; and

**WHEREAS**, the Borough council has determined that it is in the best interest of the Borough to adopt an Amendment to the Lincoln Boulevard Redevelopment Plan within that area to effectuate the redevelopment of the area; and

**WHEREAS**, on April 9, 2014, the Planning Board authorized Paul N. Ricci, P.P., Lic. No. L1005570 (the "Planning Consultant") to conduct an investigation and prepare a study of the Redevelopment Area; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7.f, the Borough Council hereby refers the Redevelopment Plan to the Planning Board for consideration of amendments or further refinement of the permitted uses and certain bulk standards for the Redevelopment Area.

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

1. That the Borough Council does hereby authorize the Planning Board to review proposed amendments and refinements to the Redevelopment Plan and to report its findings to the Borough Council within forty-five (45) days hereof.
2. This Resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #158-16**

**WHEREAS**, bids were received July 19, 2016 for the 2016 Road Improvements for various roads;

**WHEREAS**, eights bids were received and the following three bids listed below were the lowest bids received for this project:

Top Line Construction Corp. Somerville, NJ	\$545,181.98	Total Bid
Stilo Excavation South Plainfield, NJ	\$568,851.19	Total Bid
Z Brothers Concrete Contractor, Inc.. Sayreville, NJ	\$627,534.44	Total Bid

**WHEREAS**, the Borough Engineer recommends awarding the bid to Top Line Construction Corp. in the amount of \$545,181.98 contingent upon the Borough Attorney's review and availability of funds. (Adoption of the 2016 Capital Budget)

**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 recommendation of the Borough Engineer, the governing body hereby awards the bid for the 2016 Road Improvements for various roads to Top Line Construction Corp., Somerville, New Jersey in the amount of \$545,181.98 contingent upon the Borough Attorney's review and availability of funds for this project. (Adoption of the 2016 Capital Budget)

**NOW FURTHER BE IT RESOLVED** that funds in the amount of \$545,181.98 are available in the following accounts: \$300,000 in Account No. C-04-15-879-000-093, and \$245,181.98 in Account No. C-04-16-893-000-093. (Adoption of the 2016 Capital Budget)

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

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The Borough Clerk read the following resolution:

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

**Resolution #159-16**

**IN SUPPORT OF THE ADOPTION OF S2254/A3821 TO CLARIFY MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and



**WHEREAS**, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

**WHEREAS**, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

**WHEREAS**, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

**WHEREAS**, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

**WHEREAS**, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

**WHEREAS**, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

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

1. The Mayor and Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Mayor and Council urge the members of the New Jersey Senate, General Assembly and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

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

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The Borough Clerk read the following resolution:

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

**Resolution #164-16**

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

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**PUBLIC COMMENTS**

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

Betty Platten, 4 Hooker Street commended the Mayor and Council with regard to the services that are being provided by the Police Department and DPW, as residents seem to be very happy with them.

Ms. Platten also mentioned that in regarding to increasing the purchase of cigarettes from age 18 to 21, she feels that at that point it is too late, and people are already smoking. She would like to see the children educated in elementary school.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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**DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Hiring a Temporary Employee to Assist the Assessor with the Update of the Property Record Cards – Mayor DiMura requested council's approval to hire a temporary employee to input information from the borough's property record cards, so that when GovPilot goes live we will have this information on our website, and it will alleviate

information that is normally requested by realtors or appraisers. A consensus of council was to hire a temporary employee for a maximum of 40 hours at \$12.00 per hour.

2. LED Lighting Ordinance - Mayor DiMura spoke with the Borough Attorney, Code Enforcer, and leadership of the business association and his recommendation is to amend the current ordinance so that it is prohibited to have any lights that outline windows, doorways or sign. This would be the only way that this LED lighting can be properly enforced by Ms. Palumbo. A consensus of council was to introduce this ordinance and have it pertain only to LED lighting, not the neon lights.
3. Keep Middlesex Clean Program – Mayor DiMura tabled this matter until the August 16, 2016 Regular Meeting.
4. Borough taking Their Own Sewer Samples – A suggestion was made by Jerry Sheehan, Tom Moskal and the Borough Engineer that the borough should take their own sewer samples and compare them with what we get from Piscataway and the County, as Mr. Sheehan does not feel that they are being done correctly. The borough can purchase the equipment for approximately \$4,000 and Mr. Moskal can do the testing. Mayor DiMura will get a quote and provide at the next regular meeting.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
AUGUST 9, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of August 4, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall and on the Middlesex Borough Website.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk
Attorney:	Jeremy Solomon

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**PUBLIC HEARING**

The Borough Clerk read ordinance No. 1893-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1893-16**

**BOND ORDINANCE PROVIDING FOR THE 2016 CAPITAL  
IMPROVEMENT PROGRAM BY AND IN THE BOROUGH OF  
MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF  
NEW JERSEY; APPROPRIATING \$1,393,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$989,780 BONDS OR  
NOTES TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of

Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,393,000, which sum includes a \$353,700 grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$49,520 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$1,393,000 appropriation not provided for by said Grant or down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$989,780 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$989,780 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are as follows:

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
A. <u>Fire Department</u>  Acquisition of a plow for a fire truck;	\$8,000	\$7,615	\$385	10 years
B. <u>Fire Department</u>  Acquisition of gear and uniforms;	\$50,000	\$47,615	\$2,385	5 years
C. <u>Roads</u>  Acquisition of a vertical crack filler machine;	\$42,083	\$40,075	\$2,008	15 years

<u>Description</u>	Total <u>Appropriation</u>	Debt <u>Authorization</u>	Down <u>Payment</u>	Useful <u>Life</u>
<p>D. <u>Parks</u></p> <p>Acquisition of a back stop for Haverstick Field, a mower, a lip broom, a 4 x 4 work cart and a power washer and installation of athletic field lighting at Mountain View Park;</p>	\$588,267	\$560,250	\$28,017	15 years
<p>E. <u>Computer Data Services</u></p> <p>Replacement of computer servers and improvements to the telecommunications network closet at Borough Hall, installation of WiFi at and acquisition of computers for the Police Department; acquisition of computer equipment for a dispatch station, emergency office communications and the Police Department training room/situation room;</p>	\$180,000	\$171,425	\$8,575	5 years
<p>F. <u>Sewers</u></p> <p>Installation of retrofits on stormwater basins throughout the Borough; and</p>	\$35,200	\$33,520	\$1,680	40 years

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<p>G. <u>Mill and Overlay</u></p> <p>Various roadway improvements to Warrentville Road and all other roads listed on file with the Borough Clerk, such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements inlet, manhole and water valve replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition and installation of traffic signals, signage and bicycle corrals, as required throughout the Borough.</p> <p>Grand Total:</p>	<p><u>\$489,450</u></p> <p>(includes a \$353,700 NJDOT grant)</p> <p><u>\$1,393,000</u></p>	<p><u>\$129,280</u></p> <p><u>\$989,780</u></p>	<p><u>\$6,470</u></p> <p><u>\$49,520</u></p>	<p>20 years</p>

The appropriations set forth above also include all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$989,780.

b. The aggregate estimated cost of said improvements and purposes is \$1,393,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of \$49,520 plus the Grant in the amount of \$353,700.

**SECTION 4.** Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. Except for the Grant, in the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a



resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 14.248 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$989,780 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$250,000 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 improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any

bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$989,780. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DiMura opened the public hearing on Ordinance No. 1893-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

Council President Kaplan made a motion for adoption seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, 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:

**Consent Agenda 2016(S)**

**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 #165-16 and #166-16 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 #167-16

Councilman Madden made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. 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 #165-16**

The Governing Body hereby hires Kenneth Pine as a laborer in the DPW Sewer Department and in any other capacity as laborer in the DPW effective August 15, 2016 at \$22.34 per hour pending a satisfactory background check, physical (including drug/alcohol test), and driving abstract.

Councilman Schueler made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. 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 #166-16**

**WHEREAS**, the governing body wish to hire Brandon Goldberg as the Borough Administrator effective August 15, 2016; and

**WHEREAS**, this appointment is pending a satisfactory background check and drug/alcohol test and the approval of Mr. Goldberg's Employment Contract; and

**WHEREAS**, Mr. Goldberg's annual salary shall be \$100,000.00.

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

1. Brandon Goldberg is hereby hired as the Borough Administrator effective August 15, 2016 at an annual salary of \$100,000 pending a satisfactory background check and drug/alcohol test and the approval of his Employment Contract.

2. This resolution shall take place immediately.

Councilman Schueler made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. 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 #167-16**

The governing body hereby approves the Mayor and Borough Clerk execute the Radio System Memorandum of Understanding with Somerset County effective July 1, 2016 – June 30, 2019 in order to utilize the Somerset County trunking radio system for interoperability during emergencies.

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**PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
AUGUST 16, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk (absent)

Attorney: Aravind Aithal

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**PRESENTATIONS-NONE**

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**APPOINTMENTS**

The Borough Clerk read the following resolution:

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

**Resolution #168-16**

**WHEREAS**, Colin DeVincenzo has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Colin DeVincenzo be appointed to the position of Probationary Patrolman effective August 17, 2016 at an annual salary of \$51,339.00 pending the receipt of the drug screening clearance.

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

1. Colin DeVincenzo is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective August 17, 2016 at an annual salary of \$51,339.00 pending the receipt of the drug screening clearance.
2. This resolution shall take effect immediately.

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

Chief Geist thanked the Mayor and Council for the recently hired patrolman noting that this has helped our detectives in the detective bureau and gives us the opportunity to put a police officer at the high school. Chief Geist also congratulated Patrolman Colin DeVincenzo and welcomed him to the team. Chief Geist also thanked all the police officers for the job that they do every day, which he stated is a very complex job.

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## PROCLAMATIONS

The Borough Clerk read the following Proclamation:

### PROCLAMATION

**WHEREAS**, it is the intention of the Mayor and Council of Middlesex Borough to focus attention on noteworthy causes and occasions; and

**WHEREAS**, Charcot-Marie-Tooth disease (CMT) is a common inherited neurological disorder that affects approximately 1 in 2,500 people in the United States and 2.8 million worldwide; and

**WHEREAS**, CMT is characterized by a slow and progressive deterioration of motor and sensory nerves across various parts of the body that can lead to weakness of the foot and lower leg muscles, foot deformities, frequent tripping and falls and muscle weakness in the hands; and

**WHEREAS**, there are more than 70 kinds of CMT that affect individuals from all walks of life, and in all areas of the world; and

**WHEREAS**, there is no cure for CMT, and while physical therapy, bracing and surgical procedures can help stabilize and correct certain CMT symptoms, continued awareness and research of the disease are needed.

**NOW, THEREFORE BE IT RESOLVED**, I, RONALD J. DIMURA, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, County of Middlesex, State of New Jersey,

do hereby join with the Charcot-Marie-Tooth Association and municipalities across the United States in proclaiming the month of September 2016 to be

### **CHARCOT-MARIE-TOOTH AWARENESS MONTH**

***NOW FURTHER BE IT RESOLVED*** that the Borough of Middlesex urges all citizens to join with me and Council in spreading awareness of Charcot-Marie-Tooth Disease, and in voicing our support for the Charcot-Marie-Tooth Disease Association.

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### **NEW BUSINESS-NONE**

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### **PUBLIC HEARING**

The Borough Clerk read ordinance No. 1894-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1894-16**

### **AN ORDINANCE TO AMEND CHAPTER 301 PARKS AND RECREATION AREAS, SECTION 301-14 REGULATIONS AND FEES FOR USE OF THE PARK, TO INCLUDE SECTION 301-14C(6) IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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 include the following:

#### **§ 301-14C(6)**

(6) Maintenance fees for all baseball and/or Softball fields (resident and non-resident):

(a) Friday evening or Saturday (single game): \$90/hr.

(b) Saturday doubleheader: \$90/hr.

(c) Sunday: \$180/hr.

(d) Any rentals for play exceeding three (3) games in a single day shall incur a charge of not less than \$90/hr., two (2) hour minimum. Such fees shall be estimated prior to issuance of a Permit and shall be payable at the time of Permit issuance.

**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.

Mayor DiMura opened the public hearing on Ordinance No. 1894-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

Council President Kaplan made a motion for adoption seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, and Schueler. No: None. Abstain: None.

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The Borough Clerk read ordinance No. 1895-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1895-16**

#### **AN ORDINANCE TO AMEND CHAPTER 272 MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS, 272-3 APPLICATION FEES; SECTION 272-6 APPLICATION FOR MASSAGE, BODYWORK AND SOMATIC THERAPIST'S PERMIT; REQUIREMENTS; SECTION 272-7 MASSAGE, BODYWORK AND SOMATIC THERAPIST PERMIT FEE; SECTION 272-12 PROHIBITED ACTIVITIES; REVOCATION OF PERMIT AND SECTION 272-13 VIOLATIONS AND PENALTIES IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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 include the following changes:

#### **1. § 272-3 Application Fees**

Every applicant for a permit to maintain, operate or conduct a massage, bodywork or somatic therapy establishment or out call massage, bodywork or somatic therapy service shall file an application with the Board of Health upon a form provided by said division and pay a fee of \$1,000. The permit to be issued shall be valid until March 31 of the year immediately following the year that the permit was issued hereunder.

#### **2. § 272-6 Application for massage, bodywork and somatic therapist's permit; requirements**

A. To be eligible for a permit as a massage, bodywork and somatic therapist an application shall submit satisfactory evidence of:

- (1) Successful completion of a minimum of 500 hours in-class study in the field of massage, bodywork or somatic therapy; or
- (2) Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.
- (3) Proof of licensure by the State of New Jersey as is now required by N.J.A.C. 13:37-16.1 and compliance with all provisions of the state regulations governing massage therapy.



- (4) The administering of massage, bodywork and/or somatic therapies for any form of consideration by any person not licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c. 19 amended 2007, c. 337 shall be prohibited throughout the Borough of Middlesex.

B. The following information concerning the application will be required:

- (1) The name, complete residence address and residence telephone number.
- (2) The two previous addresses immediately prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, sex and color of hair and eyes.
- (5) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
- (6) The massage therapy or similar business history and experience, including but not limited to whether or not such a person has previously operated in this or another city or state under a license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department.
- (8) The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

C. Applicants for massage therapy licensure, as well as those applying to operate a massage therapy business, are required to appear before the Middlesex Borough Board of Health prior to the issuance of said license and/or permit, so that the Board of Health may review all the information submitted with the application in order to determine if the applicant qualifies for the issuance of said license and/or permit, and the Board of Health will have the final review and will decide whether or not to approve or disapprove the issuance of the license and/or permit.

### **3. §272-7 Massage, bodywork and somatic therapist permit fee**

An applicant for massage, bodywork or somatic therapist's license shall pay a permit fee of \$100, which permit shall be valid until March 31 of the year immediately following the year that the permit was issued hereunder.

### **4. §272-12 Prohibited activities; revocation of permit**

A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy; relating to the commission of adultery; and proscribing fornication; nor shall any owner or manager tolerate in his or her establishment an activity or behavior which violates this chapter.

- B. Any conviction of a bodywork or somatic therapy establishment or, any employee thereof, of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of the establishment, it being specifically declared that, following such a conviction of the owner or the manager of the establishment, shall be prosecuted as an accessory to such a violation and the required permits will be automatically revoked.
- C. Hours of operation shall not commence prior to 9:00 a.m. and shall not extend beyond 9:00 p.m.

#### **5. §272-13 Violations and penalties**

Any person violating the provisions of this chapter shall, upon conviction, be punished by imprisonment for a term not exceeding 90 days or by a fine not less than \$750 for a first violation hereunder, nor exceeding \$2,500 for a first violation, or both, in the discretion of the court. A second violation of any provisions of this chapter, shall be punished by imprisonment for a term not exceeding 90 days or by a fine of not less than \$1,500, nor exceeding \$3,000, or both. A third or subsequent violation of any provisions of this chapter, shall be punished by imprisonment for a term not exceeding 90 days or by a fine of not less than \$2,500, nor exceeding \$5,000, or both.

**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.

Mayor DiMura opened the public hearing on Ordinance No. 1895-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

Council President Kaplan made a motion for adoption seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, and Schueler. No: None. Abstain: None.

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#### **ADOPTION OF MINUTES**

Councilman Corley made a motion to approve the July 12, 2016 Executive Special Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, and Schueler. No: None. Abstain: None.

Councilman Corley made a motion to approve the July 19, 2016 Regular Meeting Minutes seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Kaplan, Corley, and Madden. No: None. Abstain: Greco and Schueler

Council President Kaplan made a motion to approve the August 9, 2016 Special Meeting Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, and Schueler. No: None. Abstain: None.

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## REPORTS

### Mayor

1. Mayor DiMura read into the minutes a thank you letter from Chief Geist.

“On behalf of the Middlesex Borough Police Department and Ofc. Joleen Auricchio, National Night Out Event Coordinator, I would like to thank you for taking part in our 7<sup>th</sup> Annual National Night Out. On Tuesday, August 2, 2016 members of the Middlesex Police Department were joined by community groups, business partners, emergency services and residents to join in a night of fun in a crime free environment. We were able to provide our guests with helpful information, entertainment, food, and giveaways. I could not have been more pleased with the response we received and the phenomenal turnout. Hundreds of residents took advantage of this wonderful event and spent the evening in support of building community partnerships and heightening crime awareness! Thank you kindly for your presence and continued support taking part in the event and providing activities and information to our residents. We hope to continue working with you during future Community Policing events. Without your participation we could not have had such a successful National Night Out. Please be sure to mark your calendar for our 8<sup>th</sup> Annual National Night Out on Tuesday, August 1<sup>st</sup>, 2017.”

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### REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Stream Cleaning Report – Council President Kaplan reported that the Committee will be meeting next week. Council President Kaplan would like to have the areas that were previously cleaned to be revisited so that we maintain what was cleaned – (1) Cap Lane to Route 28 and (2) Lincoln Blvd. to the Duck Pond. Mayor will get quotes from Predator for cleanup of Rt. 28 Marshall all the way to Dayton and Warrenville road to the Bonnie Brook area.
  - B. Council President Kaplan made a motion to accept the resignation of Jason Dudley as a member of the Middlesex Fire Department seconded by Councilman Corley and carried by a unanimous vote of members present.
  - C. Council President Kaplan made a motion to accept Randy Rudnick as Assistant Engineer of Engine 22 for 2016 seconded by Councilman Schueler and carried by a unanimous vote of members present.
  - D. Council President Kaplan made a motion to accept Robert Imbriaco as a qualified driver for Engine 23 seconded by Councilman Schueler and carried by a unanimous vote of members present.
  - E. Council President Kaplan made a motion to accept Andrew Pollara and Jeffrey Meyer as an active member of the Middlesex Fire Department and Mateo Perez as a

Junior Member of the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of members present.

4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court - Councilman Mikolajczyk is on vacation, therefore, there was nothing reported.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(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 wish to remove Resolution #174-16, #181-16 and #182-16 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 #169-16 – Resolution #173-16  
Resolution #175-16 - Resolution #180-16  
Resolution #183-16 – Resolution #184-16

Councilman Madden made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden 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 #169-16**

The Governing Body hereby appoints Bryan Oliver, 412 Cook Avenue, Middlesex, New Jersey as a permanent part-time laborers for the DPW for 28 hours per week at \$12.00 per hour pending a satisfactory background check, physical (including drug/alcohol test), and driving abstract effective August 22, 2016.

---

The Borough Clerk read the following resolution:

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

**Resolution #170-16**

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

**WHEREAS**, On June 27, 2016 Chief Geist recommended Police Officer George Pilesky be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer George Pilesky be and is hereby advanced in grade to Patrolman Class "D" effective August 15, 2016 at an annual salary of \$77,854.

---

The Borough Clerk read the following resolution:

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

**Resolution #171-16**

**WHEREAS**, Ted Hoette was issued a street opening permit on 8/25/15; and

**WHEREAS**, Ted Hoette deposited \$1250.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 96 Conover Place was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$937.50 in favor of Ted Hoette, 96 Conover Pl., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-008.

---

The Borough Clerk read the following resolution:

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

**Resolution #172-16**

The Mayor and Council hereby accept Probationary Patrolman Michael Sharkey's resignation effective August 1, 2016 and authorize the Treasurer to pay his full allowance of \$666.36 in

accordance with his PBA Contract in the next regular borough payroll of August 19, 2016. The benefits include the following:

11 Hours Compensation Time	\$ 271.48
16 Hours Vacation Time	\$ 394.88
<b>TOTAL</b>	<b>\$ 666.36</b>

---

The Borough Clerk read the following resolution:

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

**Resolution #173-16**

Accepting the resignation of Laurina Tolomeo as a School Crossing Guard with the Middlesex Police Department effective June 24, 2016.

---

The Borough Clerk read the following resolution:

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

**Resolution #174-16**

**WHEREAS**, bids were received August 16, 2016 for Shepherd Avenue Resurfacing and;

**WHEREAS**, the following bids were the three lowest bids received for this project; and

Konkus Corp. Chester, NJ	\$130,313.98	Base Bid
Z Brothers Concrete Contractor, Inc. Sayreville, NJ	\$151,929.06	Base Bid
DeSantis Construction, Inc. Somerset, NJ	\$155,638.60	Base Bid

**WHEREAS**, the submitted bid proposals contain all the required documentation, properly executed in accordance with the requirements of the bid specifications; and

**WHEREAS**, the Borough Engineer recommends awarding the bid to Konkus Corp. in the amount of \$130,313.98 contingent upon the Borough Attorney's review and availability of funds for this project.

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

Based upon recommendation of the Borough Engineer, the Governing Body hereby awards the bid for the Shepherd Avenue Resurfacing to Konkus Corp. in the amount of \$130,313.98 contingent upon the Borough Attorney's review and availability of funds for this project.

**NOW FURTHER BE IT RESOLVED** that the treasurer hereby certifies funds in the amount of \$130,313.98 is available in the following account: Account No. C-04-16-893-000-093 (2016 Capital Budget)

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

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The Borough Clerk read the following resolution:

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

**Resolution #175-16**

The Governing Body hereby approves the Mayor and Borough Clerk execute the Department of the Army Right of Entry for Survey and Exploration for the Green Brook Flood Damage Reduction Project for the property located at the Lincoln Boulevard Right of Way, Clay Avenue Right of Way in Middlesex Borough in order to survey, make test borings, and carry out such other exploratory work as described in the Scope of Work in order to complete the investigation being made of said land by the Government.

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The Borough Clerk read the following resolution:

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

**Resolution #176-16**

The Governing Body hereby approves the Mayor and Borough Clerk execute the Department of the Army Corps of Engineers Environmental Surveys Investigations and Remediation Right of Entry to perform surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metal contamination of soils, groundwater and structures on Block 345.02, Lot 1.02, Baekeland Avenue as part of the Army's Formerly Used Sites Remedial Action Program (FUSRAP).

---

The Borough Clerk read the following resolution:

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

**Resolution #177-16**

**WHEREAS**, R3M Engineering, Inc. is preparing a Treatment Works Approval Application for the MCUA Main Trunk Sewer Rehabilitation – Phase II; and

**WHEREAS**, the subject of the permit application is the construction of a chamber adjacent to the Green Brook Pump Station to assist with the Trunk Sewer Rehabilitation and future maintenance of the sewer; and

**WHEREAS**, the project has previously received approvals from the NJDEP and the application requires the endorsement of the Borough of Middlesex.

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

1. The governing body hereby approves the Mayor to execute the NJDEP Statements of Consent for the MCUA Main Trunk Sewer Rehabilitation – Phase II.
2. This resolution shall take effect immediately

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The Borough Clerk read the following resolution:

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

**Resolution #178-16**

The Tax Collector is hereby authorized to refund 2nd quarter 2016 taxes in the amount of \$856.64 on block 52, lot 23, 307 Second Street. The homeowner has been declared a 100% disabled veteran by the Division of Veterans Affairs. The check is to be made payable to:

Wells Fargo Home Mortgage  
1 Home Campus  
MacX2302-04D  
Attention: Financial Support  
Des Moines, IA 50328

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The Borough Clerk read the following resolution:

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

**Resolution #179-16**

The Tax Collector is hereby authorized to refund an overpayment in the amount of \$3393.76 on Block 290, Lot 11, 200 Egel Ave. The assessment was reduced to \$405,000.00 from \$486,200.00 on May 10<sup>th</sup>, 2016. 3<sup>rd</sup> quarter taxes were paid prior to the reduced assessment being applied.

The check is to be made payable to:

Penta Realty Company  
200 Egel Avenue  
Middlesex, NJ 08846



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The Borough Clerk read the following resolution:

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

**Resolution #180-16**

The Governing Body hereby authorizes the Treasurer to refund the balance of \$180.00 in the Escrow Account for 770 Bound Brook Road, LLC. By determination of the Code Official their project is complete and all outstanding bills have been paid.

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The Borough Clerk read the following resolution:

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

**Resolution #181-16**

The governing body hereby approves to surplus the OEM 1993 Van, Vin No. 4CDJ4 9M23N 21051 65.

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

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The Borough Clerk read the following resolution:

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

**Resolution #182-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF 2 MOBILE RADIOS FOR THE FIRE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase 2 Mobile Radios for the Fire Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, Motorola Solutions Inc. is under State Contract No. 83909 for the year 2016; and

**WHEREAS**, the cost for the purchase of the equipment is \$17,320.50; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of 2 Mobile Radios is ordered under State Contract No. 83909 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$17,320.50 are available in Account No. C-04-15-879-000-090.

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

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The Borough Clerk read the following resolution:

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

**Resolution #183-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF  
BARRACUDA INSTANT REPLACEMENT AND UPDATES FOR THE BOROUGH OF  
MIDDLESEX EMAIL SPAM AND VIRUS FIREWALL**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Instant Replacement and Updates for the Borough of Middlesex Spam and Virus Firewall 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**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of the Barracuda Instant Replacement and Updates is \$1,255.42; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Instant Replacement and Updates is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$1,255.42 are available in Account No. 6-01-20-140-000-062.

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The Borough Clerk read the following resolution:

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

**Resolution #184-16**

**RESOLUTION AUTHORIZING STATE CONTRACT  
PURCHASE OF BARRACUDA X300 FIREWALL FOR THE BOROUGH OF MIDDLESEX**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda X300 Firewall for the Borough of Middlesex 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**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of Barracuda X300 Firewall is \$5,283.53; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda X300 Firewall is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$5,283.53 are available in Account No. C-04-15-879-000-090.

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The Borough Clerk read the following resolution:

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

**Resolution #185-16**

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

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

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**PUBLIC COMMENTS**

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

Betty Platten, 4 Hooker Avenue suggested that we send a thank you to Laurina Tolomeo for all the years she served as a school crossing guard.

Douglas Rex, 221 Greene Avenue thanked the Mayor and Council for proclaiming the month of September Charcot-Marie-Tooth Awareness Month. Charcot-Marie-Tooth disease (CMT) is a common inherited neurological disorder. Mr. Rex also handed out pamphlets which will be available in the municipal building so that residents are made more aware of this debilitating disease.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Parking on Baekeland Avenue – Employees from BAMCO are still parking their cars on a parking lot created for these employees that is Borough property. Mayor DiMura stated that he advised Chief Geist to issue warnings. They have received all their permits but have not come back to the Planning Board with the executed Developer's Agreement.
2. Proposal for DPW Employee to get certified in pesticides – the DPW Committee will meet to discuss the following: (1) What it takes and the cost for two employees to get the certification, (2) What the Borough is responsible for and where to store the chemicals, and (3) What chemicals are outsourced and what we keep in house. Mayor DiMura asked that they get back to the council by October 1<sup>st</sup>.
3. DEP Report for Sewers - Mayor DiMura stated that on June 30, 2016 he received a Compliance Evaluation Inspection letter from the DEP. This letter discussed mainly the deficiency that was noted in a report issued on September 16, 2013 that was never addressed, and also rain events from April 30 – May 1, 2014 and February 25, 2016. Mayor DiMura noted that the DEP reminded us in the letter that the Department reserves the right to take enforcement action for any future raw sewage overflows, which may include monetary penalties. Mayor DiMura sat with our professionals, including our engineer, and their recommendations were that we put together a study for what is needed to be done and send a letter to the DEP with our future plan. Council was in agreement and the Mayor will move forward with the Engineer.
4. PSE&G Rehab Project – PSE&G will be working on 4 miles of the Borough streets in Middlesex to replace old gas pipes with new, durable plastic and/or coated steel piping. They will be sending out a letter shortly to all those affected. When work is finished, they will repair roads temporarily until the ground settles which is approximately 45-90 days and then restore the road with permanent paving. Two of the roads, Marlborough and Howard, were completely resurfaced in the last few years. These streets will be restored to their original condition and our engineer will be overlooking the project.
5. Challenging Middlesex Borough Flood Map – There was a consensus of Council to have Councilman Kaplan move forward and get a cost to retain an attorney to challenge the FEMA Flood Map. Councilman Kaplan will then reach out to his committee and will bring back to the Council the committee's findings at the first meeting in October.

6. Keep Middlesex Clean Program – Mayor stated that there is a resident in town who would like to recruit volunteers to help clean-up the town. They would divide the town into 10 sections. They would also reach out to residents who can't keep up with their property. The Borough will supply gloves, bags, etc., and these funds would come out of the Clean Communities Grant. These volunteers would have no enforcement powers.
7. Charles Wrobel Presentation – Event at Mountainview Park – Mr. Wrobel made a vague presentation at the last meeting to the governing body about holding a benefit concert for veterans in Mountainview Park in 2017 and to provide free beer. He would like to have council consider having him hold the concert on the football field and would like to donate the profits to the veteran's hospital. The Mayor and Council requested that Mr. Wrobel put in writing more details of what he is looking to do. If we don't hear back from Mr. Wrobel by the October 11, 2016 meeting, the issue will be closed.
8. George Street – Mayor DiMura asked that council consider going out to bid for drainage issues and the reconstruction of George Street. Due to the recent issues where Governor Christie has put a hold on all DOT awarded grants, construction companies are bidding on our local projects way below the construction cost to get work. The consensus of Council was to move forward and have RVE give us a proposal for the Design, Inspection, and Construction Administration Services for George Street, and this cost will determine if we move forward and go out to bid.

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## **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

### **Resolution #186-16**

**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. Request for Grade Change – Administrative Assistant – Recreation/Office on Aging
2. Plumber Inspector Position

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

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

### **ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikołajczyk (absent)

Attorney: Aravind Aithal

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
SEPTEMBER 13, 2016**

**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	Ron DiMura
Council President	Sean Kaplan (late)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk (absent)

Attorney: Aravind Aithal

Mayor DiMura stated that the Structural Analysis for 105 William Street in his report and the Plainfield Property in Mountain View Park on the Agenda Workshop Items will be moved to executive session.

Mayor DiMura welcomed Borough Administrator Brandon Goldberg to the Borough of Middlesex.

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**PRESENTATIONS-NONE**

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1896-16 by title for introduction:

**ORDINANCE 1896-16**

**AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY  
WHICH MAKES POLITICAL CONTRIBUTIONS TO BOROUGH  
CANDIDATES AND POLITICAL PARTIES IN EXCESS OF  
CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY  
TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF**

## **MIDDLESEX.**

**WHEREAS**, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

**WHEREAS**, pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions, and that the recipient of such a contract can make during the term of a contract; and

**WHEREAS**, in the interest of good government, the people and the government of the Borough of Middlesex desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

**WHEREAS**, it shall be the policy of the Borough of Middlesex to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Middlesex;

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

### **Section I:**

As used in this Ordinance, a "Business Entity" whose contributions are regulated by this Ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm, corporation, professional corporation, partnership, limited liability company, organization, association and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such entity, in the aggregate, and their spouses and child/children; (v) any organization or association who has received or infeasibly acquired the right to receive, from a person that is described in subparagraph (i) above, more than \$150,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gift(s), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate of a business entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

### **Section II:**

Notwithstanding the provisions of any other law to the contrary:

- (a) the Borough shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the municipality with a business entity,



except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded; and

**(b)** a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Borough, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded, during the term of that contract.

No such committee shall accept such a contribution from a business entity during the term of its contract with the municipality.

**SECTION III:**

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION IV:**

All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance is/are hereby repealed to the extent of such inconsistencies.

**SECTION V:**

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Borough Council and shall be published as required by law.

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

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The Borough Clerk read Ordinance No. 1897-16 by title for introduction:

**ORDINANCE NO. 1897-16**

**AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE TO INCLUDE  
ARTICLE III REGULATING OF BAMBOO, SECTION 317-16 – SECTION 317-20 IN THE  
CODE OF THE BOROUGH OF MIDDLESEX**

**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:

**ARTICLE III  
REGULATING OF BAMBOO**

**§317-16 Purpose.**

This Ordinance is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Middlesex and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

**§317-17 Regulation of the Planting, Growing or Cultivating of Bamboo.**

Subject to certain exemptions set forth in this Ordinance, no persons, residents, citizens, property owners and/or tenants of property within the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Middlesex, except for:

1. Where the root system of such bamboo plant(s) is/are entirely contained within an above ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted,
2. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than fifteen (15) feet from any property line, and shall not be permitted whatsoever in the front yard area of any property.

**§317-18 Exemptions.**

This Ordinance shall not apply to any land owner or possessor of said land who, prior to the effective date of this Ordinance, has planted or caused to grow any bamboo on any property within Borough limits unless the code enforcement officer determines on her own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any

public way or any private property not owned by or in the possession of such land owner or any possessor of said land. If such occurs, the provisions of Section D, herein, shall apply.

**§317-19 Complaint Notice, Order for Removal and Compliance.**

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another land owner, or tenant in possession of the property, or both, the Borough shall cause Notice to be served and the following actions occur:

1. The Notice shall be mailed by Certified Mail, Return Receipt Requested, properly addressed and with sufficient postage, and also by First Class mail. Notice by Certified Mail and by First Class mail shall be deemed complete on the date dispatch.
2. The Notice shall specify the general nature of the violation(s).
3. The Notice shall state that the violation(s) must be corrected within twenty (20) calendar days from the date of dispatch of such Notice
4. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

**§317-20 Penalties.**

A person deemed to have violated any provisions of this Ordinance shall be fined as outlined in §317-13 herein. If the violation is not remedied within the time set forth in the aforesaid Notice, the provisions of §317-14 shall apply.

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 immediately upon final passage and publication in accordance with law.

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

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The Borough Clerk read Ordinance No. 1898-16 by title for introduction:

**ORDINANCE NO. 1898-16**

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY  
AMENDING THE BOROUGH ZONING CODE CHAPTER 420,  
ARTICLE VIII, PERFORMANCE STANDARDS, ARTICLE IX  
SIGNS AND DEFINITIONS**

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

**WHEREAS**, over the past several years there have been significant changes in the lighting industry which make it easier to limit light spillage, accurately direct light to where it is needed, and reduce electrical usage while still providing the appropriate lighting for residential, business and recreational uses; and

**WHEREAS**, the Borough desires to update its Ordinances regarding lighting to provide an appropriate balance between the need for lighting in certain circumstances and the desire to reduce glare, prevent intrusion of unwanted light into neighboring properties, and protect the safety of our citizens where light glare may create safety issues such as on public roadways; 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 1.** The following shall replace Borough Code §420-60 F, regarding performance standards and glare:

F. Lighting:

(1) Purpose. Regulation of outdoor lighting and recreational lighting is necessary to prevent the cause of unnecessary sky glow, to prevent light intrusion and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent properties and motorists from negative lighting impacts.

(a) All municipally owned property shall be exempt from the provisions of the lighting section of this ordinance.

(2) Standards. All outdoor light fixtures installed and thereafter maintained, shall comply with the following requirements:

(a) The maximum height of all light fixtures shall not exceed fifteen (15) feet, except in commercial and industrial properties the height of light fixtures shall not exceed twenty-five (25) feet.

(b) Site lighting shall not include any up lighted fixture, however decorative landscape lighting shall be permitted provided it is shielded to prevent light intrusion and glare.

(c) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(d) Any business or commercial process producing intense glare or flashing lights shall be performed within a completely enclosed building and in such a manner that no glare shall disseminate beyond the building.

(f) Exception: Light fixtures used to illuminate the State or the National flag mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.

(g) Only shielded light fixtures shall be used. Any fixture mounted above ten (10) feet shall have no more than ten (10%) percent of its light distribution at a vertical angle of eighty (80) degrees above nadir (the lowest point) and two and five-tenths (2.5%) percent at an angle of ninety (90) degrees above nadir (the lowest point).

(h) Where used for commercial and industrial purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and shall comply with the following:

[1] Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure, however monument type signs may be lit from the ground provided adequate shielding is provided around the ground light to prevent glare and light intrusion [2] All other outdoor lighting shall use shielded light fixtures.

(i) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 8th Edition, as amended from time to time. These regulations provide the maximum permissible light level, it may be appropriate to use lighting levels less than the maximum specified in the IESNA.

(j) The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:

[1] All outdoor lighting, during non-operating hours of the business on site, and not necessary for safety and security purposes shall be reduced, activated by motion-sensor devices or turned off. Building mounted business identification and trademark signs may remain on beyond business hours, however freestanding signs shall be turned off after business hours.

[2] All lighting shall be designed to prevent misdirected or excessive artificial light.

(k) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(l) Luminance requirements.

[1] Street Lighting. Average maintained luminance shall not exceed IESNA recommendations. IESNA average to minimum luminance uniformity ratios are to be used for design roadway lighting.

[2] Outdoor Parking Facilities. Average maintained luminance and uniformity ratios shall not exceed IESNA recommendations.

[3] Walkways. Maximum average foot-candles shall be as follows:

(i) Sidewalks (roadside):

a. Commercial: one and zero-tenths (1.0).

b. Residential: two-tenths (0.2).

[4] All outdoor lighting on commercial or industrial properties that are adjacent to or across the street from residential districts and/or residential uses must employ lighting techniques to mitigate the impact of the outdoor lighting on the residential districts or uses.

(m) The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area

(n) Floodlight-type fixtures shall be prohibited except in residential properties where flood lights on motion sensors may be used for home security purposes.

(o) Freestanding lights shall be so located and protected to avoid being damaged by vehicles.

(p) The maximum illumination at property lines shall be one-tenth (0.1) foot-candle at grade.

(q) All wiring shall be laid underground.

(r) No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating or other intermittent operation.

(s) Bare bulbs, tubes and rope lights and strip lights are prohibited.

(t) Light Intrusion. No single standard for glare or light intrusion is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

**SECTION 2.** The following shall be added to Borough Code § 420 -61(D) (2) (e) regarding the illumination of signs:

[1] Internally illuminated signs shall have characters, letters, figures and designs which are illuminated by electric lights as part of the sign proper.

[2] Signs lit by external sources shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.

[3] External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

[4] No electric wiring associated with a sign shall be visible to public view.

[5] No signs using bare bulbs, rope lights, tubing or strip lights shall be permitted.

[7] No sign shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.

[8] No electric message centers shall be permitted and no other sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.

[9] Signs on municipally owned property are exempt from the provisions of this ordinance.

[10] Business signs may be either internally or externally illuminated however no business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type. All lighted signage used by any business or commercial establishment within the RT zone shall be extinguished no later than 10:00 pm.

**SECTION 3.** The following shall be added to Borough Code § 420 -61 (E) (9) Prohibited Signs and Sign Features.

420-61.E (9) . Prohibited Signs and Sign Features. No business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type.

**SECTION 4.** The following shall be added to the definition section of the Zoning Ordinance in the Borough Code at §420-7:

**ELECTRONIC MESSAGING CENTERS** - Any sign or portion of a sign that uses changing lights to form a sign message or messages in text or graphic form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**SECTION 5.** 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 6.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such a 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 7.** This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

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

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### **PUBLIC HEARING-NONE**

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### **ADOPTION OF MINUTES**

Councilman Greco moved to approve the August 16, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

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### **REPORTS**

#### **Mayor**

1. Request for a Municipal Resolution of the Proposed Detour for the Replacement of Bridge/Raritan Avenue over Ambrose Brook – The Mayor indicated that the County will be starting new construction of the Raritan Avenue Bridge on the corner of Raritan Avenue and Route 28 in the Spring, 2017 and our Police Department is currently reviewing the detour plan.
2. Structural Analysis for 105 William Street – Mayor DiMura moved this matter to Executive Session.
3. Purchasing Agent – Mayor DiMura indicated that he would like to advertise for a part time purchasing agent, because without a QPA the borough is unable to make purchases over \$17,500 without going out to a formal bid. Council approved posting for a QPA at this time, and the Mayor indicated that in the future a borough employee might want to get certified.
4. Reconstruction of Bonnie Brook Terrace – This project was originally part of the mill and pave project this year, as there is an erosion problem with the road. Originally it seemed that only one side of the road was eroded and now we have found that the entire road is now compromised with erosion. There seems to have been a faulty drain when it was done and now there is an issue of safety. The Mayor would like permission to go out to bid for the whole project, which is estimated to cost



approximately \$380,000. Mayor DiMura feels that we should be able to get a better price for this project from the contractors due to the Transportation Trust Fund issue. Council approved the engineer going out to bid for the reconstruction of Bonnie Brook Terrace.

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light
  - A. Recreation Commission budget analysis report - On August 9, 2016, I met with the department head, Dina to discuss in detail the budget. We discussed both the trust account and the O & E accounts. Certain line items were discussed in detail such as “supplies”, “education and training“, “sporting good supplies“ and “umpires and referee“ disbursements. Each line item carries the appropriate expense schedule for this time in the budget year. No anomalies were found.
  - B. Swim Pool budget analysis report. I met with Jim Grimm on August 18, 2016 to discuss the budget. Most of the line items were usual and customary for this time of year. However there were some extraordinary items that were not initially accounted for due to primarily unknown factors such as additional engineering and legal fees. Due to the surplus of funds available these expenditures were covered.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Kaplan was not present at this time.
4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court - Councilman Mikolajczyk is on vacation, therefore, there was nothing reported.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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The Borough Clerk read the following resolution:

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

### **Consent Agenda 2016(U)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #188-16 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 #187-16  
Resolution #189-16 - #192-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #187-16**

Biondi's Florist & Greenhouses, located at 601 Union Avenue in Middlesex, NJ 08846, is exempt from any sanitary sewer charges as the water meter numbered 60817051 has no sewer connection and is a designated water line for the use of watering and irrigation for the greenhouse only.

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The Borough Clerk read the following resolution:

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

**Resolution #188-16**

**WHEREAS**, Prestige Environmental Inc. on behalf of Pumping Services Inc. has provided a copy of the Temporary Discharge Approval Application for a Dual Phase Extraction (DPE) remediation system that will remove both shallow groundwater and soil vapor using a single high vacuum process with a discharge of treated groundwater, to the MCUA Central Treatment Plant, via the Middlesex Borough wastewater collection system and the MCUA Middlesex Meter Chamber, from the Pumping Services Inc. location at 201 Lincoln Boulevard; and

**WHEREAS**, Prestige Environmental Inc. is required to have the Borough's approval on a yearly basis for discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber.

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

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber.
2. This resolution shall take effect immediately.

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

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The Borough Clerk read the following resolution:

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

**Resolution #189-16**

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2015 Audit, according to Local Finance Board Directive 92-15.

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The Borough Clerk read the following resolution:

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

**Resolution #190-16**

**WHEREAS**, Orlando Investments was issued a street opening permit on 4/23/15; and

**WHEREAS**, Orlando Investments deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 448 Voorhees Ave. was inspected by Dan Niro, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Orlando Investments., 221 Beechwood Ave, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-004.

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The Borough Clerk read the following resolution:

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

**Resolution #191-16**

The Governing Body hereby approves the Mayor and Borough Clerk execute the Department of the Army Corps of Engineers Right of Entry to survey, conduct test borings, and carry out such other exploratory work needed to complete the investigation being made of said lands by the Government on Block 239, Lot 25, and Block 258.01, Lot 1, Lee Drive Right of Way, Parker Street Right of Way, Denton Place Right of Way, Hallock Avenue Right of Way, Parker Road Right of Way, Middlesex County, New Jersey for the Green Brook Flood Damage Reduction Project.

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The Borough Clerk read the following resolution:

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

**Resolution #192-16**

**WHEREAS** Chapters 317 and 318 of the Code of the Borough of Middlesex set forth the standards and requirements for maintenance and upkeep of properties within the Borough of Middlesex; and

**WHEREAS** the owner of record for a certain property located at 277 Lincoln Boulevard, Block 147 Lot 3 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

**WHEREAS** the owner of record of such property being Lincoln Holding Company, LLC having failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

**WHEREAS** the Borough has incurred expensed totaling \$1,400 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

**WHEREAS** the owner of record was found guilty in Municipal Court on October 11, 2012 for failure to comply with the standards and requirements for the maintenance and upkeep of that property totaling \$4,650 in Court fines and costs; and

**WHEREAS** under Chapter 317-14 and/o N.J.S.A. 40:48-2.13 the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property for \$6,050;

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

1. The amount of \$6,050 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Collector's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
3. This Resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #193-16**

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 Gorr and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden and Mikolajczyk. No: None. Abstain: None.

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**PUBLIC COMMENTS**

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

Rich Thomasey, 109 Green Avenue stated that with regard to Ordinance No. 1896-16 when he read it the ordinance seemed very subjective and limited and without an explanation the average person would question the wording of the ordinance that would limited the state regulations. Mr. Thomasey questioned if the borough could publish the state regulations that we would follow or add the words that it would “follow the state regulations at a minimum”.

Mayor DiMura acknowledged that Council President Kaplan has joined the Regular Meeting at this time.

Attorney Aithal indicated that in the state statute it preempts the local statute and the local ordinance can be more restrictive. He mentioned that the borough does not elect to be more restrictive then the state statute at this time. This ordinance mirrors the state statute and gives the municipality the flexibility to impose greater restrictions. The Attorney indicated that the ordinance adopts the state statute and that the language indicates exactly that by citing the State Statute.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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**DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. PSE&G Direct Install Program for Government – Administrator Goldberg discussed this Program where they will audit our lighting at the borough to see if we should switch to

LED lights and save the cost of electricity. We would be responsible for 30% of the cost to pay back over the next 36 months. The next step would be for them to do an audit, but there could be savings later on. Council approved moving forward with an audit.

2. Plainfield Property in Mountain View Park – Mayor DiMura moved this item to Executive Session.
3. Use of old Fire Chief's Car – Mayor DiMura stated that new Fire Chief's vehicle is now equipped and will better serve the Fire Department. Last year the council made the decision to purchase this vehicle as the old Fire Chief's car was 12 years old and repair costs were adding up. Mayor DiMura recommended that because of the condition of the vehicle and cost involved that the Council move forward to surplus this vehicle and put it up for sale, but salvage the radios in the vehicle. Councilman Greco questioned if it could be kept for a second vehicle for the Assistant Chief, and Mayor DiMura stated that from a fiscal standard it would not make sense to repair and keep this car for the Assistant Chief. Councilman Kaplan stated that he was originally in favor of giving this vehicle to the Assistant Chief, but the truck has a knock in the motor, the emergency lights need to be replaced, it would need new lettering and it needs a paint job due to rust. Also, once this vehicle would need to be replaced, the borough would have to purchase a new car on a continuing basis and now if the Chief goes out of town he now surrenders his vehicle to the Assistant Chief. Mayor DiMura indicated that from a fiscal standard it would not make sense to repair this vehicle and keep it for the Assistant Chief. A consensus of council was to surplus the vehicle at the next meeting.
4. Landlocked Property at the end of William Street – The Department of Energy is seeking assistance from the Borough to dedicate property along a paper street and the continuation of William Street and grant access by extending Williams Street on to private property. The proposal DOE has creates a 90 degree jog in the road where Williams Street ends and it continues with the full width of the road on borough property until it gets to the private property. Attorney Aithal advised the best course of action would be to see if the DOE would look to the private property owners in Piscataway and the Township of Piscataway and (1) dedicate one half of the width so that the road does not abruptly turn right 90 Degrees and then turn left 90 Degrees; and (2) the burden should not be shared entirely by dedication of the property by the Borough. Piscataway should contribute land, but the property owners should contribute to the improvements in the road, so that it is not on the taxpayers and they do not have to bear the cost for a private road. Borough Attorney Aithal has forwarded these suggestions of what we would consider to the DOE and we are awaiting a response.
5. Sewer Rehab Project – The Borough Administrator and Mayor DiMura met with the borough engineer and auditor to discuss the two lists from the DEP about outstanding items regarding the Borough that have not been completed. At this meeting a plan was discussed to do an I & I Study (infiltration) and a design to take care of the problem sections in the sewers and the issue to line them. The Mayor indicated that it is imperative that we move forward, so that we don't get hit with a fine by the DEP. Mayor DiMura is requesting the governing body's approval to give the engineer permission to move forward with the I & I study and design. The Mayor indicated that if we use the Infrastructure Trust Fund for a loan, and a loan through this fund would be split and 50%

of the principal will have a zero interest rate and the other 50% will be at the current interest, which is now at 2.45% (average .6 interest) . We have been told that the estimated project would be (11 million). The cost for the I & I Study and Design is approximately \$270,000, and our auditor advised us that we can do short term funding to get started with the project and then do paperwork through the trust fund. There was a consensus of council to give RVE permission to move forward with the I & I Study and Design for \$270,000.

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## **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

### **Resolution #194-16**

**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. Plumber Inspector Position
2. Hiring Attorney Ruitenber – Piscataway Sewer Billing
3. Personnel - Recreation

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## **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk



**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
SEPTEMBER 27, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**PRESENTATIONS-NONE**

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS**

The Borough Clerk proclaimed October 10, 2016 "Put the Brakes on Fatalities Day"

**PROCLAMATION  
PUT THE BRAKES ON FATALITIES DAY®  
OCTOBER 10, 2016**

**WHEREAS**, Across the nation, traffic crashes caused 35,092 fatalities in 2015 and are the leading cause of death for young people ages 15 to 34; and,

**WHEREAS**, In New Jersey, 562 individuals lost their lives in traffic crashes in 2015; and,

**WHEREAS**, Alcohol-related crashes accounted for 28 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

**WHEREAS**, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

**WHEREAS**, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and,

**WHEREAS**, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

**NOW, THEREFORE**, I Ronald J. DiMura, Mayor of the Borough of Middlesex, Middlesex County, New Jersey, do hereby proclaim October 10, 2016, as Put the Brakes On Fatalities Day®, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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The Borough Clerk proclaimed Christine DiNizo the Middlesex Elks "Citizen of the Year"

## ***PROCLAMATION***

**WHEREAS**, Christine DiNizo has been a Middlesex resident for 25 years and has been married to her husband Nick for 30 years. They have two children, Candace, 17 and Nick 20. Christine attended University of South Carolina, and graduated from Kean University with a degree in education; and

**WHEREAS**, after graduating college Christine taught Middle School and High School Physical Education and Health in Scotch Plains and is currently a Pre-School Teacher and program coordinator at the Middlesex Recreation Center where she has worked for 10 years; and

**WHEREAS**, Christine started her career of volunteer work over 20 years ago and has coached various teams: Soccer, T-Ball, Softball, Baseball and Basketball for Middlesex Recreation and travel teams for both boys and girls; and

**WHEREAS**, Christine began volunteering with Parker School PTO in 2002 and has held various board positions on Parker School and Mauger School PTOs, as well as Middlesex High School Booster Club. Christine is a member of Project Graduation and the Rescue Squad Auxiliary, and was on the 100<sup>th</sup> Anniversary of Middlesex Borough Committee; and

**WHEREAS**, Christine was the co-chair of the fundraising committee for Middlesex Pop Warner, organizing a multitude of events, acquiring many local and corporate sponsors. Christine's efforts, along with those of the committee members helped fund a large part of the cheerleading organization's trip to National Competition in Disney, twice; and

**WHEREAS**, Christine also uses her skills to fundraise and organize events for local families affected by catastrophic illness, victims of Hurricane Sandy and other flood emergencies; and

**WHEREAS**, fundraising and charity work is a family affair for the DiNizo's. When there is a need for fundraising, or community organizing, Christine is the first one to get on board. Christine gives selflessly of herself to this community.

**NOW, THEREFORE, I, Ronald J. DiMura**, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to congratulate Christine DiNizo as the Middlesex Elks "Citizen of the Year" and hereby set my hand and the Seal of the Borough of Middlesex to be affixed on this 24th day of September, 2016.

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The Borough Clerk recognized Cindy Chomen by Proclamation for her 42 Years of Service to the Middlesex Police Department.

## **PROCLAMATION**

**WHEREAS**, Cindy Chomen was appointed on November 11, 1974 as a Police Secretary to the Middlesex Police Department; and

**WHEREAS**, Cindy also served as a Police Matron during her many years of service as well as the Secretary to the Middlesex Borough Drug Alliance since 1992 and the Borough of Middlesex/Borough of Dunellen Juvenile Conference Committee since 1978; and

**WHEREAS**, remarkably Cindy has worked for five (5) of the six (6) appointed Chiefs of Police in Middlesex Borough; Chief Andrew Simpf, Chief Sylvester Conrad, Chief James I. Benson, Chief Craig S. Young, and Chief Matthew P. Geist; and

**WHEREAS**, Cindy retired from full-time employment on July 1, 2010 (almost 36 years), and returned in a part-time capacity until her retirement on March 1, 2016 (almost 42 years); and

**WHEREAS**, Cindy Chomen has dutifully supported the mission of the Middlesex Borough Police Department and efficiently, effectively, and fairly, provided the highest quality services to the citizens of Middlesex Borough for nearly forty-two (42) years.

**NOW, THEREFORE, I, Ronald J. DiMura**, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to recognize Cindy Chomen for her service to our Police Department and to the citizens of Middlesex Borough and hereby set my hand and the seal of the Borough of Middlesex to be affixed on this 30th day of September, 2016.

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## **NEW BUSINESS**

The Borough Clerk read Ordinance No. 1899-16 by title for introduction:

### **ORDINANCE NO. 1899-16**

**CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY, IN AND FOR THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; AND APPROPRIATING \$614,202.14 FROM A COMBINATION OF THE FUND BALANCE AND CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements or purposes described in Section 2 of this capital ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sums of \$612,702.14 from the Borough fund balance and \$1,500.00 from the Borough Capital Improvement Fund, for the payment of said improvements or purposes stated in Section 2 hereof.

**SECTION 2.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are Police: alcohol measurement instrument, replace OC - MK3 and MK9, patrol car radar unit replacement, bullet proof vests and modular UPS revitalization service; Garage: garbage trucks #s 1 and 2; Roads: portable trailer mounted steam cleaner; Rescue Squad: power load cot fastening system; Recreation: Haverstick slide replacement; Buildings and Grounds: municipal building upgrade and new postage machine; Stream Cleaning: stream cleaning; and Mill and Overlay: mill and overlay. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

**SECTION 3.** The capital budget of the Borough is hereby amended to conform with the provisions of this capital ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 4.** This capital ordinance shall take effect in accordance with applicable law.

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

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The Borough Clerk read Ordinance No. 1900-16 by title for introduction:

**ORDINANCE NO. 1900-16**

**BOND ORDINANCE PROVIDING FOR MILLING AND PAVING OF ROADS BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$300,000, which sum includes \$15,000 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$300,000 appropriation not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are milling and paving of Borough roads. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$285,000.

b. The aggregate estimated cost of said improvements and purposes is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of \$15,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New

Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$285,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$60,000 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 improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$285,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. Councilman Madden made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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### **PUBLIC HEARING**

The Borough Clerk read ordinance No. 1896-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE 1896-16**

#### **AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO BOROUGH CANDIDATES AND POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF MIDDLESEX.**

**WHEREAS**, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

**WHEREAS**, pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions, and that the recipient of such a contract can make during the term of a contract; and

**WHEREAS**, in the interest of good government, the people and the government of the Borough of Middlesex desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

**WHEREAS**, it shall be the policy of the Borough of Middlesex to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Middlesex;

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

**Section I:**



As used in this Ordinance, a "Business Entity" whose contributions are regulated by this Ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm, corporation, professional corporation, partnership, limited liability company, organization, association and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such entity, in the aggregate, and their spouses and child/children; (v) any organization or association who has received or infeasibly acquired the right to receive, from a person that is described in subparagraph (i) above, more than \$150,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gift(s), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate of a business entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

## **Section II:**

Notwithstanding the provisions of any other law to the contrary:

**(a)** the Borough shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the municipality with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded; and

**(b)** a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Borough, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded, during the term of that contract.

No such committee shall accept such a contribution from a business entity during the term of its contract with the municipality.

**SECTION III:**

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION IV:**

All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance is/are hereby repealed to the extent of such inconsistencies.

**SECTION V:**

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Borough Council and shall be published as required by law.

Mayor DiMura opened the public hearing on Ordinance No. 1896-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

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

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The Borough Clerk read ordinance No. 1897-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1897-16**

**AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE TO INCLUDE ARTICLE III REGULATING OF BAMBOO, SECTION 317-16 – SECTION 317-20 IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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:

**ARTICLE III**  
**REGULATING OF BAMBOO**

**§317-16 Purpose.**

This Ordinance is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Middlesex and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

**§317-17 Regulation of the Planting, Growing or Cultivating of Bamboo.**

Subject to certain exemptions set forth in this Ordinance, no persons, residents, citizens, property owners and/or tenants of property within the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Middlesex, except for:

1. Where the root system of such bamboo plant(s) is/are entirely contained within an above ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted,
2. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than fifteen (15) feet from any property line, and shall not be permitted whatsoever in the front yard area of any property.

**§317-18 Exemptions.**

This Ordinance shall not apply to any land owner or possessor of said land who, prior to the effective date of this Ordinance, has planted or caused to grow any bamboo on any property within Borough limits unless the code enforcement officer determines on her own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such land owner or any possessor of said land. If such occurs, the provisions of Section D, herein, shall apply.

**§317-19 Complaint Notice, Order for Removal and Compliance.**

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another land owner, or tenant in possession of the property, or both, the Borough shall cause Notice to be served and the following actions occur:

1. The Notice shall be mailed by Certified Mail, Return Receipt Requested, properly addressed and with sufficient postage, and also by First Class mail. Notice by Certified Mail and by First Class mail shall be deemed complete on the date dispatch.
2. The Notice shall specify the general nature of the violation(s).

3. The Notice shall state that the violation(s) must be corrected within twenty (20) calendar days from the date of dispatch of such Notice
4. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

**§317-20 Penalties.**

A person deemed to have violated any provisions of this Ordinance shall be fined as outlined in §317-13 herein. If the violation is not remedied within the time set forth in the aforesaid Notice, the provisions of §317-14 shall apply.

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 immediately upon final passage and publication in accordance with law.

Mayor DiMura opened the public hearing on Ordinance No. 1897-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

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

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The Borough Clerk read ordinance No. 1898-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1898-16**

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY  
AMENDING THE BOROUGH ZONING CODE CHAPTER 420,  
ARTICLE VIII, PERFORMANCE STANDARDS, ARTICLE IX  
SIGNS AND DEFINITIONS**

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

**WHEREAS**, over the past several years there have been significant changes in the lighting industry which make it easier to limit light spillage, accurately direct light to where it is needed, and reduce electrical usage while still providing the appropriate lighting for residential, business and recreational uses; and

**WHEREAS**, the Borough desires to update its Ordinances regarding lighting to provide an appropriate balance between the need for lighting in certain circumstances and the desire to reduce glare, prevent intrusion of unwanted light into neighboring properties, and protect the safety of our citizens where light glare may create safety issues such as on public roadways; 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 1.** The following shall replace Borough Code §420-60 F, regarding performance standards and glare:

F. Lighting:

(1) Purpose. Regulation of outdoor lighting and recreational lighting is necessary to prevent the cause of unnecessary sky glow, to prevent light intrusion and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent properties and motorists from negative lighting impacts.

(a) All municipally owned property shall be exempt from the provisions of the lighting section of this ordinance.

(2) Standards. All outdoor light fixtures installed and thereafter maintained, shall comply with the following requirements:

(a) The maximum height of all light fixtures shall not exceed fifteen (15) feet, except in commercial and industrial properties the height of light fixtures shall not exceed twenty-five (25) feet.

(b) Site lighting shall not include any up lighted fixture, however decorative landscape lighting shall be permitted provided it is shielded to prevent light intrusion and glare.

(c) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(d) Any business or commercial process producing intense glare or flashing lights shall be performed within a completely enclosed building and in such a manner that no glare shall disseminate beyond the building.

(f) Exception: Light fixtures used to illuminate the State or the National flag mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.

(g) Only shielded light fixtures shall be used. Any fixture mounted above ten (10) feet shall have no more than ten (10%) percent of its light distribution at a vertical angle of eighty (80) degrees above nadir (the lowest point) and two and five-tenths (2.5%) percent at an angle of ninety (90) degrees above nadir (the lowest point).

(h) Where used for commercial and industrial purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and shall comply with the following:

[1] Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure, however monument type signs may be lit from the ground provided adequate shielding is provided around the ground light to prevent glare and light intrusion [2] All other outdoor lighting shall use shielded light fixtures.

(i) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 8th Edition, as amended from time to time. These regulations provide the maximum permissible light level, it may be appropriate to use lighting levels less than the maximum specified in the IESNA.

(j) The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:

[1] All outdoor lighting, during non-operating hours of the business on site, and not necessary for safety and security purposes shall be reduced, activated by motion-sensor devices or turned off. Building mounted business identification and trademark signs may remain on beyond business hours, however freestanding signs shall be turned off after business hours.

[2] All lighting shall be designed to prevent misdirected or excessive artificial light.

(k) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(l) Luminance requirements.

[1] Street Lighting. Average maintained luminance shall not exceed IESNA recommendations. IESNA average to minimum luminance uniformity ratios are to be used for design roadway lighting.

[2] Outdoor Parking Facilities. Average maintained luminance and uniformity ratios shall not exceed IESNA recommendations.

[3] Walkways. Maximum average foot-candles shall be as follows:

(i) Sidewalks (roadside):

a. Commercial: one and zero-tenths (1.0).

b. Residential: two-tenths (0.2).

[4] All outdoor lighting on commercial or industrial properties that are adjacent to or across the street from residential districts and/or residential uses must employ

lighting techniques to mitigate the impact of the outdoor lighting on the residential districts or uses.

(m) The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area

(n) Floodlight-type fixtures shall be prohibited except in residential properties where flood lights on motion sensors may be used for home security purposes.

(o) Freestanding lights shall be so located and protected to avoid being damaged by vehicles.

(p) The maximum illumination at property lines shall be one-tenth (0.1) foot-candle at grade.

(q) All wiring shall be laid underground.

(r) No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating or other intermittent operation.

(s) Bare bulbs, tubes and rope lights and strip lights are prohibited.

(t) Light Intrusion. No single standard for glare or light intrusion is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

**SECTION 2.** The following shall be added to Borough Code § 420 -61(D) (2) (e) regarding the illumination of signs:

[1] Internally illuminated signs shall have characters, letters, figures and designs which are illuminated by electric lights as part of the sign proper.

[2] Signs lit by external sources shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.

[3] External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

[4] No electric wiring associated with a sign shall be visible to public view.

[5] No signs using bare bulbs, rope lights, tubing or strip lights shall be permitted.

[7] No sign shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.

[8] No electric message centers shall be permitted and no other sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.

[9] Signs on municipally owned property are exempt from the provisions of this ordinance.

[10] Business signs may be either internally or externally illuminated however no business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type. All lighted signage used by any business or commercial establishment within the RT zone shall be extinguished no later than 10:00 pm.

**SECTION 3.** The following shall be added to Borough Code § 420 -61 (E) (9) Prohibited Signs and Sign Features.

420-61.E (9) . Prohibited Signs and Sign Features. No business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type.

**SECTION 4.** The following shall be added to the definition section of the Zoning Ordinance in the Borough Code at §420-7:

**ELECTRONIC MESSAGING CENTERS** - Any sign or portion of a sign that uses changing lights to form a sign message or messages in text or graphic form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**SECTION 5.** 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 6.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such a 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 7.** This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor DiMura opened the public hearing on Ordinance No. 1898-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

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



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## ADOPTION OF MINUTES

Councilman Corley moved to approve the September 13, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, and Schueler. No: None. Abstain: Mikolajczyk.

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## REPORTS

### Mayor

1. Special Meeting to Interview Potential Recreation Director – Tuesday, October 4, 2016 – Mayor DiMura mentioned that interviews for the Recreation Director will be done by the end of the week and would like to hold a Special Meeting on October 4, 2016 to interview the potential candidate, so that the prospective replacement can have some time to train with the Recreation Director before she leaves on October 28. Council approved to hold this Special Meeting on October 4.
2. Mayor DiMura suggested to council that the borough paint a blue line in front of the Police Department to show a sign of support for our Police Department, as this is being done in other towns throughout the State. Councilman Mikolajczyk requested that the line begin at the corner of Route 28 and Mountain Avenue and go up to the Police Department, as that would also cover support for the Rescue Squad. Council approved this blue line, but agreed not to spend in excess of \$1,000.

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### REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
  - A. Budget Status – Councilman Schueler mentioned that The Finance committee met and reviewed the budget as of the end of August. We are at about 72% of the current budget, this is due to some expenses we pay up front and are not spread over the entire year such as Workers Comp and Liability insurance. We have some issues with some of the credits to the individual budget lines. We also have some questions about whether some revenues or recoveries are being re credited back to the budget lines. We will be meeting with the CFO/Treasurer prior to end of October so we can determine what potential transfers are needed.

We have asked for the prospective budgets for 2017 the Administrator has indicated we should have by October 15.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report
3. Fire/OEM/Board of Health/Rescue Squad/Flood

- A. Councilman Kaplan recognized the resignation of Ed Winters, Jr. as Captain of Parker Engine & Hose Company No. 4 effective 9/25/2016. Councilman Kaplan did report that Mr. Winters would continue as a Borough fireman and a replacement as Captain will be elected in October.

4. Public Works/Parks/Sanitation/Recycling

- A. DPW has renovated the Gazebo at Mt. View Park by adding sidewalks to access the Gazebo from the sidewalks on Rt. 28 , they have also power washed and painted the Gazebo and added additional seating inside by extending the benches, they also added new landscaping and flower baskets.
- B. DPW assisted with set up, maintenance and cleanup for Community Day and National Night Out and also inspects and cleans parks on a daily basis.
- C. DPW has cleaned, edged and mulched Fitzsimmons and Cook Field playgrounds and did new landscaping around monument by flagpole at Cook Field.
- D. DPW has started its basin cleaning program and will be working on this through the Fall season.
- E. DPW will be starting crosswalk line striping around school areas and other various spots throughout the Borough.
- F. DPW has replaced existing manhole covers with locking water tight covers at river road and Raritan Ave. locations as per DEP
- G. Just a reminder twice a week garbage will end as of Sept. 2<sup>nd</sup> and once a week garbage will be in effect as of the week of Sept. 5, 2016
- H. Just a reminder for bulk pickups there are only 7 left for the year, they will end as of Wed. Oct. 26, 2016 / All pickups are done by appointment only! / One (1) pickup per household per year!
- I. Councilman Schueler also commented on the nice job that was done by the DPW with the cleaning of the corner of Ashland Road and Raritan Avenue.

5. Police/Legal/Code Enforcement/Construction/Municipal Court

- A. Budget Review - Councilman Mikolajczyk reported on the Court and Police Department budgets. The Police Department is a couple thousand dollars over or under, depending on the timing of the hiring of a new police officer and the Court will be over budget, due to office supplies. The Construction Department is under budget. Councilman Kaplan indicated that to date overtime has been low in the Police Department, we have only spent \$40,000, and have a budget of \$130,000. Councilman Kaplan reported that he will be meeting with the Mayor and Chief and then report back to council.

6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(V)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #196-16, Resolution #205-16, Resolution No. #206-16 and Resolution #210-16 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 #195-16  
Resolution #197-16 - #204-16  
#207-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #195-16**

The governing body hereby hires Dan Nero as the part time plumbing inspector for six hours per week at \$40.00 per hour effective immediately, pending a satisfactory background check.

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The Borough Clerk read the following resolution:

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

**Resolution #196-16**

The governing body hires David J. Ruitenbergh, 51 Route 23 South, P.O. Box 70, Riverdale, New Jersey 07457 at \$150.00 per hour, with a maximum of \$25,000 to be spent on the Piscataway sewer billing litigation.

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

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The Borough Clerk read the following resolution:

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

**Resolution #197-16**

The governing body hereby approves to surplus the 2004 4-Door Dodge Durango, Vin 1D4HB 48N74 F2085 50, 1992 4-Door Chevy Caprice Vin #1G1BL53E7NW150799, and 2011 4-Door Ford CV Vin #2FABP7BV6BX109322.

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The Borough Clerk read the following resolution:

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

**Resolution #198-16**

The governing body hereby hires William Hughes and Thomas Ritchie of Middlesex, New Jersey as School Crossing Guards for the Middlesex Police Department at \$14.25/hour effective immediately. These individuals have been investigated by the Police Department and have met all the requirements for the position of School Crossing Guard.

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The Borough Clerk read the following resolution:

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

**Resolution #199-16**

The Tax Collector is hereby authorized to refund an overpayment in the amount of \$1100.92 on Block 285, Lot 60, 758 Voorhees Avenue. The assessment was reduced to property only while a house was constructed and the mortgage company overpaid.

The check is to be made payable to:

Wells Fargo Home Mortgage  
1 Home Campus  
MAC X2302-04D  
Des Moines, IA 50328

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The Borough Clerk read the following resolution:

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

### **Resolution #200-16**

**WHEREAS**, the residents of Wilson Street have requested to have a block party between Washington Avenue and Locust Avenue/Venice Avenue on October 9, 2016 between the hours of 1 p.m. and 5 p.m.; and

**WHEREAS**, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of Wilson Street to conduct a block party between Washington Avenue and Locust Avenue/Venice Avenue on October 9, 2016 between the hours of 1 p.m. and 5 p.m.
2. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

### **Resolution #201-16**

**WHEREAS** a Uniform Construction Code (UCC) Order pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32 was issued on January 5, 2015 for unsafe condition located at 105 William Street Block 291 Lot 50 within the Borough of Middlesex; and

**WHEREAS** the UCC Order required the unsafe conditions pertaining the unsafe structure/imminent hazard located at 105 William Street, Block 291 Lot 50 within the Borough of Middlesex be corrected by February 5, 2015; and

**WHEREAS** the UCC Order stipulated that failure to correct the unsafe condition or refusal to comply with the Order would assess penalties of \$2,000 per week; and

**WHEREAS** the owner of record of said property being GPP House c/o Globex having failed to comply with the UCC Order; and

**WHEREAS** the additional entities, William Partners, LLC and Preferred Acquisitions, LLC also having interest in the property have failed to comply with the UCC Order; and

**WHEREAS** under N.J.A.C. 5:23-2.32(a).5 this Order is permitted to become a lien on said property for \$172,000 as of September 16, 2016; and

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

1. The amount of \$172,000 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
  2. The Tax Collector's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
  3. This Resolution shall take effect immediately.
- 

The Borough Clerk read the following resolution:

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

**Resolution #202-16**

**WHEREAS**, the residents of Fairview Avenue have requested to have a block party between Mohawk Avenue and Delaware Avenue on October 22, 2016 between the hours of 1 p.m. and 11 p.m.; and

**WHEREAS**, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of Fairview Avenue to conduct a block party between Mohawk Avenue and Delaware Avenue on October 22, 2016 between the hours of 1 p.m. and 11 p.m.
  2. This resolution shall take effect immediately.
- 

The Borough Clerk read the following resolution:

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

**Resolution #203-16**

The Governing Body accepts the resignation of Eileen Rourke as a School Crossing Guard with the Middlesex Police Department.

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The Borough Clerk read the following resolution:

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

**Resolution #204-16**

At the request of the Police Chief, Barbara Lupinski is hereby relieved of her duties as a School Crossing Guard with the Middlesex Police Department effective September 16, 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #205-16**

The governing body hereby accepts the resignation of Dina Fornataro-Healey from the Recreation Department effective October 28, 2016.

Mayor DiMura stated that Dina Fornataro-Healey has gotten a great opportunity to move on to another job and he, along with the council, concurred that she will be sorely missed.

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

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The Borough Clerk read the following resolution:

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

**Resolution #206-16**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH ACRISURE LLC D/B/A NORTH AMERICAN INSURANCE MANAGEMENT (“NAIM”) FOR RISK MANAGEMENT AND INSURANCE CONSULTING SERVICES, AS AN EXCEPTION TO THE COMPETITIVE PUBLIC BIDDING PROCESS UNDER N.J.S.A. 40A:11-5(M) PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A 19:4A-20.4**

**WHEREAS**, the Borough of Middlesex requires the services of a consultant to provide risk management and insurance consulting services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5, pursuant to the provisions of N.J.S.A. 40A:10-36; and

**WHEREAS**, such services, i.e., are Extraordinary Unspecifiable Services, are exceptions pursuant to N.J.S.A. 40A:11-5(m) and may be awarded without competitive bidding therefore; and

**WHEREAS**, said services cannot reasonably be described by written specifications; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. as amended requires that the Resolution authorizing the award of contracts which are treated in accordance with the requirements for extraordinary unspecifiable services without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, it has been determined and certified that the value of the contract will exceed \$17,500.00; and

**WHEREAS**, the Borough has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Borough Council of the Borough of Middlesex, in accordance with the Local Public Contracts Law, hereby authorizes and approves the execution of a Contract with Acisure LLC d/b/a North American Insurance Management ("NAIM") regarding the provision of Risk Management and Insurance Consulting Services beginning November 1, 2016 and terminating on December 31, 2017, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, such services being an exception under N.J.S.A. 40A:11-5(m) and in accordance with the terms of the Contract; and
2. The contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1) (a) (i); and
3. The Mayor and Borough Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Risk Management and Insurance Consulting Services on behalf of and in the name of the Borough of Middlesex; and
4. The Business Entity Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and
5. That notice of the award of this Contract shall be published in accordance with law.
6. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Acisure LLC d/b/a North American Insurance Management
  - b. Middlesex County Municipal Joint Insurance Fund
  - c. Borough Administrator

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

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The Borough Clerk read the following resolution:

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

**Resolution #207-16**



The governing body hereby approves the Planned Detour for the Replacement of Bridge 2-B-157 along Raritan Avenue (Middlesex County Route 622) over the Ambrose Brook in the Borough of Middlesex.

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The Borough Clerk read the following resolution:

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

**Resolution #210-16**

The governing body hereby approves hiring Peters Associates, 552 Victory Place, River Vale, New Jersey for Fire Apparatus Purchasing Consulting Services for the lease/purchase of a piece of fire apparatus for the Middlesex Borough Fire Department. The proposal includes the specification review, comparison report, committee meeting, draft specifications, a second adjustment, and preparation of the final specifications in an amount not to exceed \$2,800.

The Treasurer hereby certifies funds in the amount of \$2,800 are available in Account No. 6-01-25-265-000-138.

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

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The Borough Clerk read the following resolution:

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

**Resolution #208-16**

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

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**PUBLIC COMMENTS**

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

Kim Keyes, 331 Dorn Avenue stated that "While police officers are a pertinent part of our society and a public service I value whole heartedly, I would like to make a statement about painting a blue line on the road to show support. I Preface this with perspective. The support of blue lives

matters is a direct response to a civil rights issue that is occurring across the country of black lives matter. If you follow along on social media, you will know there was no hashtag for #bluelivesmatter before there were #blacklivesmatter, which sprouted from the death of men and women of brown and black complexions who were killed at the hands of police without due process of the charges they were being incarcerated for.

I come to you from the perspective of growing up in this town which wasn't very diverse, being a Latina married to an African American man, with children who are mixed. Middlesex is continuing to overcome a reputation of being a place brown people "shouldn't drive through" and where emphasis on diversity in public positions continues to be a Need. I want to emphasize that as a community we also need to be sensitive to the communities who feel voiceless with everything that is going on and how something as simple as a blue line may impact the emotions of those in our community.”

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Waiving of Permit Fees for Commercial/Retail Properties for Certain Improvements – Mayor DiMura discussed making it more flexible for new businesses to come into the borough by allowing all new and existing businesses to pay a flat permit fee for any type of cosmetic work on the outside of their building. The Mayor indicated that we should reinvest in our community and encourage commercial and industrial businesses to reinvest in their property. Mayor DiMura requested that council making a flat permit fee that is reasonable for the permit and the Council agreed to a flat permit fee of \$150.00. Councilman Kaplan also suggested that the borough invest in mailing out post cards to all the businesses to inform them that we are reducing the cost of the permit fees in order to have them reinvest in their business and posting this change to a flat fee for a construction permit to the website. The council approved amending the ordinance at the next meeting.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

#### **Resolution #209-16**

**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. Plumber Inspector Position
2. Hiring Attorney Ruitenberg – Piscataway Sewer Billing
3. Personnel - Recreation

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
OCTOBER 4, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of September 29, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall and on the Middlesex Borough Website.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**NON-CONSENT AGENDA/RESOLUTIONS:** Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

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The Borough Clerk read the following resolution:

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

**Resolution #211-16**

**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. Potential Hiring of a Recreation Director – Review and questions of the recommended candidate for Recreation Director by the Mayor and Council.

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

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The Borough Clerk read the following resolution:

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

**Resolution #212-16**

**WHEREAS**, the Governing Body wishes to hire Noreen Wilpiseski as the Recreation Director effective October 24, 2016; and

**WHEREAS**, this appointment is pending a satisfactory background check and drug/alcohol test; and

**WHEREAS**, Ms. Wilpiseski's annual salary shall be \$60,000.00.

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

1. Noreen Wilpiseski is hereby hired as the Recreation Director effective October 24, 2016 at an annual salary of \$60,000 pending a satisfactory background check and drug/alcohol test.

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

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**PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
OCTOBER 11, 2016**

**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	Ron DiMura
Council President	Sean Kaplan (absent – work)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk
Attorney:	Aravind Aithal

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**PRESENTATIONS**

Mayor DiMura stated that he was happy to announce that the borough will be receiving a grant from the Middlesex County Board of Chosen Freeholders which was approved at their meeting of October 6, 2016. This Grant is in the amount of \$1,497,227 and will be used for the improvement and/or development of Green Acres Recreation Area, which includes: refurbishing existing football field, soccer fields, running track, high jump and long jump; remove and replace existing bleachers to make ADA compliant, concession stand and rest rooms, scoreboard, chain link fence and gates; install asphalt path; reconstruct existing parking area and provide new primary sports field lighting. Mayor DiMura gave council a copy of the agreement and specifications for this project and requested that they review this information, so that a resolution can be placed on the October 25, 2016 Regular Meeting to move forward with the project.

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS-NONE**

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**PUBLIC HEARING**

The Borough Clerk read ordinance No. 1899-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1899-16**

**CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY, IN AND FOR THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; AND APPROPRIATING \$614,202.14 FROM A COMBINATION OF THE FUND BALANCE AND CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements or purposes described in Section 2 of this capital ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sums of \$612,702.14 from the Borough fund balance and \$1,500.00 from the Borough Capital Improvement Fund, for the payment of said improvements or purposes stated in Section 2 hereof.

**SECTION 2.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are Police: alcohol measurement instrument, replace OC - MK3 and MK9, patrol car radar unit replacement, bullet proof vests and modular UPS revitalization service; Garage: garbage trucks #s 1 and 2; Roads: portable trailer mounted steam cleaner; Rescue Squad: power load cot fastening system; Recreation: Haverstick slide replacement; Buildings and Grounds: municipal building upgrade and new postage machine; Stream Cleaning: stream cleaning; and Mill and Overlay: mill and overlay. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

**SECTION 3.** The capital budget of the Borough is hereby amended to conform with the provisions of this capital ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 4.** This capital ordinance shall take effect in accordance with applicable law.



Mayor DiMura opened the Public Hearing on Ordinance No. 1899-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing.

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

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The Borough Clerk read ordinance No. 1900-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1900-16**

#### **BOND ORDINANCE PROVIDING FOR MILLING AND PAVING OF ROADS BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$300,000, which sum includes \$15,000 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$300,000 appropriation not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are milling and paving of Borough roads. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$285,000.

b. The aggregate estimated cost of said improvements and purposes is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of \$15,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$285,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$60,000 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 improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or

purposes described in Section 3 hereof will be issued in an amount not to exceed \$285,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. Councilman Madden made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

Mayor DiMura opened the Public Hearing on Ordinance No. 1900-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing.

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

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### **ADOPTION OF MINUTES**

Councilman Schueler moved to approve the September 27, 2016 Regular Meeting Minutes and Executive Meeting Minutes and October 4, 2016 Special Meeting Minutes and Executive Meeting Minutes seconded by Councilman Greco and carried by a unanimous vote of Council.

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### **REPORTS-NONE**

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#### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Kaplan was absent and his report will be moved to the October 25, 2016 Regular Meeting Agenda.

4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court - Councilman Mikolajczyk had nothing to report.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(W)**

**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 #214-16 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 #213-16

Resolution #215-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #213-16**

**ESTABLISH POLICY FOR TAX APPEAL NOTIFICATION**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that this resolution establish a policy that the Borough's Tax Assessor notify, in writing, both the Chief Financial Officer and governing body of all tax appeals once they are filed or no later than June 1<sup>st</sup> of each year.

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The Borough Clerk read the following resolution:

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

**Resolution #214-16**

The governing body hereby authorizes the Mayor to execute the Memorandum of Understanding by and between the Middlesex County Prosecutor's Office and the Middlesex Borough Police Department for use of the Specialized Investigative Law Enforcement Equipment for the period of January 1, 2017 – December 31, 2017.

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

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The Borough Clerk read the following resolution:

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

**Resolution #215-16**

**WHEREAS**, bids were received October 11, 2016 for the Bonnie Brook Terrace Road & Drainage Improvements and;

**WHEREAS**, the following bids were the three lowest bids received for this project; and

JTG Construction Inc. Newark, NJ	\$231,148.00	Base Bid
Lancha Construction Corp. South River, NJ	\$235,623.99	Base Bid
Top Line Construction Corp. Somerville, NJ	\$245,927.75	Base Bid

**WHEREAS**, the submitted bid proposals contain all the required documentation, properly executed in accordance with the requirements of the bid specifications; and

**WHEREAS**, the Borough Engineer recommends awarding the bid to JTG Construction Inc. in the amount of \$231,148.00 contingent upon the Borough Attorney's review and availability of funds for this project.

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

Based upon recommendation of the Borough Engineer, the Governing Body hereby awards the bid for the Bonnie Brook Terrace road & Drainage Improvements to JTG Construction, Inc. in

the amount of \$231,148.00 contingent upon the Borough Attorney's review and availability of funds for this project.

**NOW FURTHER BE IT RESOLVED** that the treasurer hereby certifies funds in the amount of \$231,148.00 is available in the following account: Account No. C-04-16-893-000-095 (2016 Capital Budget).

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The Borough Clerk read the following resolution:

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

**Resolution #216-16**

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 Madden and carried by the following roll call vote: Ayes: Greco, Corley, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

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**PUBLIC COMMENTS**

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

Rich Thomasey, 109 Green Avenue stated that without seeing the specifications on the Mountain View Park project he hopes that the engineers have included a ball control system that would go around the football field. He recommended that this system be installed during construction, rather than being done after the construction phase. He indicated that you would lose the multi-purpose aspect of the all-weather field if you do not have a ball control system.

Also, Mr. Thomasey requested that the council look at a dark area in Victor Crowell Park. This dark area is located at the Park when you walk up Ashland and make a left onto Oak Drive from the sleigh riding area to the green bridge. Mr. Thomasey requested that Council look into this dark spot at the Lake.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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**DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Amending Ordinance for Grease Traps – The borough received a sample ordinance for Grease Traps from Dunellen, as we do not have an ordinance in place at this time. This ordinance would allow for the borough to oversee that grease does not go down into the sewer

system. A consensus of council members was to introduce this Ordinance at the October 25, 2016 Regular Meeting.

2. Best Practices – Mayor DiMura stated that the council has received a copy of the Best Practices for review. He mentioned that this has also been reviewed by the CFO, Business Administrator, Treasurer and Auditor. The borough has now complied with their requirements for the Best Practice.

3. Purchasing Agent Position – The Borough Clerk has been informed that we can appoint an Acting Purchasing Agent for one year, and if they are attending classes we can have the Acting Purchasing Agent for another year. Mayor DiMura recommended that Carmen Modica in the Clerk’s Office be appointed the Acting Purchasing Agent for a stipend of \$7,500 effective at the next meeting, and keep her at her part time salary now and next year move her into full time status. This will enable the borough to make purchases up to the \$40,000 threshold without going out to closed bid.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk



**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
OCTOBER 25, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley (absent - work)
	John Madden
	Bob Schueler (absent - work)
	Jack Mikolajczyk
Attorney:	Aravind Aithal

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**PRESENTATIONS**

Mayor DiMura stated that Dina Fornataro-Healey will be moving on to another position and recognized her for the phenomenal job she has done for the Borough for 17 years as Recreation Director and presented her with a Certificate of Appreciation. All council members also thanked her and wished her well on her new job.

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A presentation was done by Steven Schwartz of Lucent Energy Management (along with Robert Whyte) to provide an illustrative proposal for a turn-key 602.10kw DC solar photovoltaic electric generating system for Middlesex Borough. This solar energy system will be installed on the Municipal Building parking area, Police Station roof top, and the Library parking area. The solar energy production will offset 95% of the facilities annual electric consumption.

Lucent Energy Management would assist with all necessary processing work for the incentives available for the project. They would work with our bank to try and qualify these systems for tax equity incentives through the banking relationship. This includes the 30% Federal Investment Tax Credit and MACRS Depreciation Benefits in which these systems normally qualify. LEM will also assist to organize long term contracts for the New Jersey Solar Renewable Energy Certificate (SREC) Program in which these systems will qualify. They have detailed this proposal with the SREC incentive at a value of \$200/SREC. 3 year fixed contracts are available and their current rates are between \$180 and \$210 for those years. There is a qualification

process for fixed contracts and they have seen contracts exceed their expectations in values in some cases.

The funding needed for the proposal that was provided included:

Borough Hall/Municipal Building	\$1,517,443
Borough Police Station	\$331,695
Borough Recreation Building	\$412,711
<b>TOTAL</b>	<b>\$2,263,896 (With 2.5% 10 year loan interest)</b>

The solar financing options include:

Cash Purchase (1) Highest Net Savings; (2) Lowest cost of energy over time; and (3) Internal Rates of Return (IRRs) of 10% - 15% depending on the system size and location.

Bank Financing (1) Relatively Low Cash Investment/Down Payments of 2% - 2.5% of the Project Cost; (2) Attractive Cash Flow since Project Tax Incentives Typically Cover Debt Obligations; and (3) Highest Cash Investment IRRs of 10+% in Most Situations due to Debt Leverage.

Operating Leases (1) Operating Leases have Similar Economics to Bank Financing, with No Upfront Funds Required.

Mr. Schwartz reviewed cumulative cash savings that the borough would recoup, along with Lucent's Design Approach, Solar Electric Capacity, Turn Key Solution, Equipment Specifications, Warranties, Monitoring and the Solar Energy Renewable Credits(SRECs).

Mayor DiMura then opened the discussion up for public comments on this presentation.

Sharon Smigel, 27 Washington Avenue question whose technology will be used in the design of the system, where the panels come from, who is responsible in the U.S. for the warranty, training on the monitoring system and requested a list of installations that they had done in the last two years.

Mr. Schwartz indicated that this is designed with an REC Solar Panel, which is an Asian manufactured product as well as an Israeli converter. The panels come from Portugal.

Mr. Schwartz indicated that the manufacturers are here in the United States. The REC office is out of California and solar office is on the east coast. The Licensed contractor is located in Hawthorne, New Jersey. Also, Lucent would train someone at the borough to view the monitoring system directly. Mr. Schwartz also agreed to provide the borough with a list of installations done in the last two years.

Councilman Kaplan also questioned if the company were to go out of business is there money in a bond or insurance company here if the panels fail and they go out of business. Mr. Schwartz indicated that REC may have a third party insurance policy and would check with Solar Edge to see if they have a third party insurance provider.

Councilman Madden questioned if the return could be realized sooner to offset the cost of the solar panels if additional panels are used. Mr. Schwartz indicated that doubling panels does not change the return on investment.

Mayor DiMura stated that any additional questions for Mr. Schwartz should be forwarded to him and he will get them to Mr. Schwartz. Also he will have a committee review this proposal and see if the council would like to consider solar installation on the Municipal Building/Recreation Center/Police Station for the 2017 budget.

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

The Deputy Clerk read Ordinance No. 1901-16 by title for introduction:

**ORDINANCE NO. 1901-16**

**AN ORDINANCE TO AMEND CHAPTER 332 SEWERS, ARTICLE I USE, SECTION 332-7 PROHIBITIONS, SECTION 332-9 PROHIBITED WASTES OR WATER AND SECTION 332-14 DEFINITIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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:

**CHAPTER 332  
ARTICLE I  
USE**

**§332-7 PROHIBITIONS.**

No roof drainage, cellar drainage, unpolluted industrial process water, surface water, grease, waste from hydrants or groundwater from underground drainage fields shall be admitted or permitted to drain into the sewer system. No cesspool or septic tank shall be allowed to discharge into the sewer system. The sewer system is intended to convey sanitary sewage and industrial wastes only.

**§332-9 PROHIBITED WASTES OR WATER.**

Except as herein provided, no person shall discharge or cause or allow to be discharged any of the following described waters or wastes to or in any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.

- B. Any water or waste which may contain more than 100 parts per million, by weight, of fats, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood or other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage treatment plant.
- E. Any waters or wastes having a pH lower than 6.0 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures or equipment and personnel of the sewage works.
- F. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard in the receiving waters of the plant.
- G. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- I. Any waste, liquid, solid or other substance, the discharge of which is prohibited by the Middlesex County Utilities Authority or which will not be accepted by the Middlesex County Utilities Authority.
- J. All restaurants, cafeterias, institutional kitchens or other food establishment or facility discharging grease, fats, wax, or oils such that may be detrimental to the sewer system, shall use a grease trap. A garbage grinder shall not be used when a grease trap is required.
- K. The grease trap shall be installed and used in accordance with the requirements set forth in the Plumbing Subcode.
- L. Grease traps utilized by restaurants, cafeterias, institutional kitchens and other facilities shall be inspected annually, in addition to such other reasonable times as are deemed necessary, by any of the following Borough of Middlesex personnel: Construction Officer, Code Enforcement Officer, Supervisor or member of the Department of Public Works, Middlesex' Sewer Operator, and any representative of the Middlesex County Board of Health.

- M. All restaurants, cafeterias, institutional kitchens and other facilities using a grease trap shall provide copies of a certification to the Middlesex Sewer Department, a minimum of three (3) certifications per year, from a service company that the grease traps have been properly installed, are properly maintained and are functioning for their intended purposes.
- N. In addition to the Borough's other remedies, should the Borough or its agents incur costs to clean the sewer laterals or sewer lines in the vicinity of the restaurant, cafeteria, institutional kitchen or other facility due to grease, fats and/or oils, and/or in otherwise responding to a backup caused by such grease, fat and/or oils, whether or not the restaurant, cafeteria, institutional kitchen or other facility has a grease trap, the owner and operator of the offending restaurant, cafeteria, institutional kitchen or other facility, irrespective of its compliance or noncompliance with the requirements of the Plumbing Subcode Official or paragraph d. above, shall be required to reimburse the Borough and its agents for all such costs.

#### **§332-14 Definitions**

As used in this article, the following terms shall have the meanings indicated:

**BOROUGH** – The Borough of Middlesex

**READILY ACCESSIBLE** – It shall be provided by the owner, tenant or occupant of the premises to allow the Borough or its representative to make periodic examination and determination of the volume, character and concentration of the waste being discharged into the sewers or laterals tributary thereto.

**GREASE INTERCEPTOR OR INTERCEPTOR** – A watertight receptacle utilized by non-single-family generators of liquid waste or intercept, collect and restrict the passage of grease, oil and food particles into the sewer to which the receptacle is directly or indirectly connected and to separate and retain grease and food particles from the wastewater discharged by a facility.

**FOOD ESTABLISHMENT OR FACILITY** – Any establishment or facility engaged in preparing, processing or serving food for a commercial or institutional purpose, or a not-for-profit organization, in a manner likely to result in the discharge of grease, fats or oils to the sewer system, including but not limited to a restaurant, cafeteria, institutional kitchen or other establishment or facility which a ( is involved in the preparation of food by means of cooking (frying, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, poaching, searing, barbecuing or the like) and b) washes skillets, pots, pans, bowls, dishes, plates or other equipment or utensils in water discharged to the sewer system.

**GREASE AND OIL** – Any material, but particularly biological lipids and mineral hydrocarbons, recovered as a substance soluble in an organic extracting solvent using an appropriate analytical method approved under 40 CFR 136. It also includes other material extracted by the solvent from an acidified sample and not volatilized during the extraction procedure, as defined in federal regulations.

INSPECTOR – The representative of the borough duly authorized to inspect the construction, operation and/or maintenance of a sewer system or any part thereof.

MUNICIPAL SANITARY SEWER OR SANITARY SEWER – The pipe in the street or easement of the borough, used for the conveying of sanitary sewage and industrial wastes for treatment and disposal.

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 immediately upon final passage and publication in accordance with law.

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

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**PUBLIC HEARING-NONE**

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**ADOPTION OF MINUTES**

Councilman Madden moved to approve the October 11, 2016 Regular Meeting Minutes seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Madden and Mikolajczyk. No: None. Abstain: Kaplan.

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**REPORTS-NONE**

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**REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler was absent.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  1. Middlesex Flood Map – Council President Kaplan and Mayor DiMura met with Najarian Associates (Dr. DiLorenzo & Mr. Ciliberto) to discuss flooding, challenging the flood maps and flood insurance charges. They will be providing us with a proposal to review, and this will be brought back to the November 22, 2016 Meeting to discuss further.

2. Banning the Sale of Tobacco to Individuals under 21 – Councilman Kaplan stated that this ordinance will be tabled at this time because we have been made aware that the Middlesex County Board of Health Contract will not provide for the inspectors to enforce this ordinance unless they charge the borough for this service. Highland Park has passed this ordinance and they are now going to be charged by the County to enforce this. The Board of Health Contract is currently being reviewed as it is up for renewal and this would be a negotiable item to consider.
4. Public Works/Parks/Sanitation/Recycling – Councilman Corley was absent.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
  1. Councilman Mikolajczyk made a motion to approve the September, 2016 Police Department Monthly Report seconded by Councilman Greco and carried by a unanimous vote of Council.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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The Deputy Clerk read the following resolution:

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

**Consent Agenda 2016(X)**

**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 #220-16 and #222-16 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 #217-16 – Resolution #219-16  
Resolution #221-16  
Resolution #223-16  
Resolution #225-16

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

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The Deputy Clerk read the following resolution:

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

**Resolution #217-16**

**WHEREAS**, on January 1, 2002 Middlesex County (Division of Solid Waste Management) began a new program to partially fund the proper removal of chlorofluorocarbons and other ozone depleting compounds from household appliances; and

**WHEREAS**, the County began providing partial funding for up to a 3 year period to municipalities for each appliance from which CFCs are properly recovered; and

**WHEREAS**, in order to continue in this program the Borough must execute an interlocal service agreement with Middlesex County covering the CFC Recovery Reimbursement Program which will commence on January 1, 2017.

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

1. The Mayor and Borough Clerk are hereby authorized to execute the renewal of the Interlocal Service Agreement with Middlesex County covering the CFC Recovery Reimbursement Program.
2. This resolution shall take effect immediately.

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The Deputy Clerk read the following resolution:

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

**Resolution #218-16**

**WHEREAS**, Middlesex County has entered into a contract with a paint recycling/disposal vendor to provide for the removal and recycling/disposal of paint and paint related products; and

**WHEREAS**, the Borough of Middlesex desires to continue to be included in this paint drop-off program; and

**WHEREAS**, in order to continue with this program it is necessary for the Mayor and Borough to execute the Inter-local Service Agreement with Middlesex County.

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



1. The Mayor and Borough Clerk are hereby authorized to execute the renewal of the Paint Collection Program Inter-local Service Agreement with Middlesex County which will commence on January 1, 2017.
2. This resolution shall take effect immediately.

---

The Deputy Clerk read the following resolution:

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

**Resolution #219-16**

The governing body hereby authorizes the Mayor and Borough Clerk to execute the grant agreement between the County of Middlesex and Middlesex Borough under the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund. This grant is in the amount of \$1,497,227 and is allocated for the improvements and/or development of the Green Acres Recreation Area at Mountain View Park.

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The Deputy Clerk read the following resolution:

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

**Resolution #220-16**

The governing body hereby appoints Carmen Modica as Acting Purchasing Agent for the Borough of Middlesex for an annual stipend in the amount of \$7,500 effective immediately.

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

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The Deputy Clerk read the following resolution:

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

**Resolution #221-16**

**WHEREAS**, the governing body received a proposal from Remington & Vernick Engineers dated August 31, 2016 for the Design, inspection and Construction Administration Services for the Bonnie Brook Terrace Reconstruction; and

**WHEREAS**, the proposal for this project include:

- |                 |              |
|-----------------|--------------|
| 1. Construction | \$306,590.00 |
| 2. Design       | \$ 30,659.00 |

3. Inspection/Contract Administration	\$ 45,988.50
<b>TOTAL COST</b>	<b>\$383,237.50</b>

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

1. The governing body hereby approves the proposal from Remington & Vernick Engineers dated August 31, 2016 for the design and inspection (\$30,659)/contract administration services (\$45,988.50) in the total amount of \$76,647.50 for the Bonnie Brook Terrace Reconstruction.
2. This resolution shall take effect immediately.

**NOW FURTHER BE IT RESOLVED**, that the Treasurer hereby certifies that funds in the amount of \$76,647.50 are available in Account No. C-04-16-893-000-095.

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The Deputy Clerk read the following resolution:

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

**Resolution #222-16**

Accepting an Assignment of the Tax Sale Certificate of the Estate of Walt C. Ryan on property located on Lincoln Blvd. Block 325 Lot 1.

This resolution was removed from the Agenda

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The Deputy Clerk read the following resolution:

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

**Resolution #223-16**

Modifying the hours for all retail liquor license holders who serve liquor on any licensed premise in the Borough of Middlesex on Sunday, October 23, 2016 commencing at 9:00 a.m. instead of 12:00 noon.

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The Deputy Clerk read the following resolution:

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

**Resolution #225-16**

The governing body hereby hires Nancy Quast of Middlesex, New Jersey as a School Crossing Guard for the Middlesex Police Department at \$14.25 per hour effective immediately. Ms. Quast has been investigated by the Police Department and has met all the requirements for the position of School Crossing Guard.

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The Deputy Clerk read the following resolution:

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

**Resolution #224-16**

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

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**PUBLIC COMMENTS**

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

Rich Thomasey, 109 Green Avenue questioned the pilot program which was signed for 150 Lincoln Boulevard and requested an explanation of what it was and how it works.

Mayor DiMura indicated that this program is a "payment in lieu of taxes" and we can use the money we receive from the pilot program to offset the debt service for our end of this project at Mountain View Park. He stated that this program is a 30 year program which can be calculated by taking the gross rental income that the owner of the property gets and then subtract utility costs and then the borough would receive 12% of that amount each year. If totally rented, we estimate that the amount received would be approximately \$383,000 minus 5% that is given to the County, but this amount could fluctuate each year.

Mr. Thomasey mentioned that his concern is that all money goes to the borough (except 5% to the county). When he calculated the amounts over a 20 year period the borough would receive \$7,277,000 and the schools would get nothing. If taxed under the regular assessment the borough would receive \$500,000. There the borough would get \$3,000,000 and the schools would get \$5,700,000.

Mayor DiMura mentioned that there will be no other taxes that the owner would incur. He indicated that normally these pilot programs were put into effect with commercial development and the schools would not be affected by commercial development. Although in this case it could be effected as it is not commercial development, but at this point the project is 1/2 done

and there are only 4 school kids in the apartments and there are only 2 in the school system, with them projecting 8 kids. When the governing body approved of this program they felt that if there was stress put on the school district because of attendance they could work with the Board of Education and direct money to them each year. When you look at revenue coming to the borough, we are only giving the county 5%, rather than 26% of taxes. We are giving the developers a break, but encouraging them to come to the borough to develop which helps the borough in the long run. Under the agreement with the Board of Education they would be responsible for ½ of the cost for the project at Mountain View Park, and if we wait for them to finance we will never be able to improve the property. We will do bonding and financing with the funds through the pilot program to offset the cost of the project, and those funds would have had to be put in their budget. Now by using these funds it does not put an overwhelming burden on the school district and the governing body can sit and negotiate and work to offset the cost.

Mr. Thomasey is concerned that the school was not involved with the program and feels that the school is losing \$5,685,000 over 20 years. Also, he questioned if we really need the apartments. Mayor DiMura indicated the borough will get money to reinvest in infrastructure and offset other costs that we incur throughout the year, which benefits the taxpayers. If there is a negative effect from this program we will work with the Board of Education, and he would like to do joint projects that they would not be able to do. In regard to the construction of the apartments in town, Mayor DiMura stated that both he and Council President Kaplan voted against this development becoming an apartment complex when on Council.

Sharon Smiegal, 27 Washington Avenue requested clarification on the acting purchasing agent position. Mayor DiMura mentioned that when someone leaves in that position, the borough has two years to replace the position. By approving Carmen as the Acting Purchasing Agent she will have 2 years to get certified and she will be receiving the same stipend as the last Purchasing Agent, and will be working part time at this time.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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## **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Clothing Bins in Recycling – Mayor DiMura stated that in the past we have had issues with clothing bins in town and maintaining them and recently he was approached by a company that wanted to put a bin at the Recycling Center. Presently the Salvation Army has a clothing bin in the Recycling Center. Council approved keeping the Salvation Army clothing bin at the Recycle Center.

2. Ordinance Dealing with Sump Pumps – Mayor DiMura indicated that the issue the Borough has with the sump pumps is that some pumps connect directly to the sanitary sewer. The Mayor is looking for guidelines to look into adjusting the sewer ordinance to address this issue. Councilman Kaplan mentioned that the last plumbing inspector would check the sump pumps at every inspection that he did and did not find any sump pumps hooked up to the slop

sinks. He did find a resident with a sump pump on William Street hooked up into the sanitary sewer. Borough Attorney stated that he did not see anything in our Code and recommended that the council should pursue this matter and investigate it further.

3. November 15, 2016 Regular Council Meeting - Mayor DiMura stated that the next scheduled Council Meeting is November 15, 2016 and that is the week of the League of Municipalities and he and the Borough Administrator will be attending. Council approved rescheduling this meeting until November 22, 2016.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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### **ADJOURNMENT**

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

Respectfully yours,

Linda Chismar, RMC  
Deputy Clerk

**BOROUGH OF MIDDLESEX  
SPECIAL MEETING MINUTES  
NOVEMBER 22, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley (late)
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

Mayor DiMura added discussion on the Recreation Commission to the Agenda Workshop Items this evening.

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**PRESENTATIONS**

Morgan Park, a registered nurse who works with victims of sexual assault and a resident of Middlesex Borough attended the Council Meeting to discuss the Borough participating in a Mayor's Wellness Program. This Program is intended to bringing the community together to build a culture of health and the program was "kicked off" on November 12, 2016 when a "Walk with the Mayor" was held at Mountain View Park. Ms. Park indicated that Middlesex Borough is now one of 377 municipalities in New Jersey that are part of this program to promote healthy behavior and healthy living. Mayor DiMura stated that he looks forward to continue to work with Ms. Park on this Program in 2017.

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**PRESENTATION - NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1902-16 for introduction:

**ORDINANCE NO. 1902-16**

**BOND ORDINANCE PROVIDING FOR A SANITARY SEWER REHABILITATION PROJECT BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$2,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,450,000 BONDS OR NOTES TO FINANCE THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$2,450,000. Pursuant to Sections 40A:2-7d and 40A:2-11c of the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"), the Borough is not required to provide for a cash down payment for such improvements or purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,450,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,450,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are the rehabilitation of the Borough sanitary sewer system, including but not limited to the rehabilitation of approximately 9,600 linear feet (covering 11 streets) of various size sanitary sewer mains and 43 manholes, and the reconstruction of five manholes. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated cost of said improvements and purposes is \$2,450,000.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,450,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the

improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.



b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,450,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$120,000 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 improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,450,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement

allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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The Borough Clerk read Ordinance No. 1903-16 for introduction:

**ORDINANCE NO. 1903-16**

**ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, AMENDING THE REDEVELOPMENT PLAN FOR THE LINCOLN BOULEVARD REDEVELOPMENT AREA**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of rehabilitation; and

**WHEREAS**, on July 25, 2006, the Mayor and Council of the Borough of Middlesex, New Jersey (the "Borough") adopted resolution #179-06, entitled "Resolution Designating an Area in Need of Rehabilitation Along the West Portion of Lincoln Boulevard from the Bound Brook Border to 200 Feet East of it's Intersection with Mountain Avenue and the South Portion of Mountain Avenue from it's Intersection with Lincoln Boulevard to William Street in the Borough of Middlesex" (the "Designating Resolution"), which resolution designated said area as an area in need of rehabilitation (the "Rehabilitation Area"); and

**WHEREAS**, on September 18, 2007, the Mayor and Council of the Borough of Middlesex New Jersey (the "Borough") adopted Ordinance #1723-07, entitled Ordinance of The Borough of Middlesex, in The County of Middlesex, adopting the Redevelopment Plan for the Lincoln Boulevard Rehabilitation area; and

**WHEREAS**, on April 14, 2015, the Mayor and Council of the Borough of Middlesex New Jersey (the "Borough") adopted Ordinance #1871-15 entitled an Ordinance of The Borough of

Middlesex, in The County of Middlesex, State of New Jersey, amending the Redevelopment Plan for The Lincoln Boulevard Redevelopment area to allow for certain properties not under common ownership located within the focus areas to opt out of the Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

**WHEREAS**, during the time since adoption of the Redevelopment Plan (the “Plan”), little development has occurred in the Redevelopment Area under the Plan; and

**WHEREAS**, on April 9, 2014, the Planning Board authorized Paul N. Ricci, P.P., Lic. No. L1005570 (the “Planning Consultant”) to conduct an investigation and prepare a study of the Redevelopment Area; and

**WHEREAS**, the Borough Council has determined that the Plan must be amended to address further refinement of the permitted uses and certain bulk standards for that area; and

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to adopt an Amendment to the Plan within that area to effectuate the redevelopment of the area; and

**WHEREAS**, on July 19, 2016, the Borough Council referred amendments to the Plan to the Planning Board and received no comment; and

**WHEREAS**, Paul N. Ricci, P.P, has worked with the Mayor and the Borough’s professional staff to further refine and revise the Redevelopment Plan; and

**WHEREAS**, this further refinement is set forth in the Plan revisions Prepared by Mr. Ricci and dated November 18, 2016, (the “November 18 Revised Plan); and

**WHEREAS**, by Resolution No. 234-16 adopted on November 22, 2016, the Mayor and Council referred the November 18 Revised Plan of the Lincoln Boulevard Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, the Mayor and Council hereby find that the November 18 Revised Plan is in the best interest of the Borough and now desire to adopt the November 18 revised Redevelopment Plan.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The November 18 Revised Redevelopment Plan, attached hereto as Exhibit A and made a part hereof, is hereby approved pursuant to N.J.S.A. 40A:12A-7.

3. The sections of the Zoning Map of the Borough of Middlesex that relate to the portions of the Lincoln Boulevard Redevelopment revised in the November 18 Revised Plan, if any, are hereby amended to incorporate the provisions of the November 18 Revised Plan that apply thereto.

4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Borough Clerk.

6. This Ordinance shall take effect immediately upon final adoption and publication thereof according to law.

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

Mayor DiMura indicated that the Planning Board will have a Special Meeting on November 30 to review the recommendations of the Planning Board and this ordinance will be on the December 13, 2016 Regular Meeting for a public hearing and final adoption.

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## PUBLIC HEARING

The Borough Clerk read ordinance No. 1901-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

## ORDINANCE NO. 1901-16

### **AN ORDINANCE TO AMEND CHAPTER 332 SEWERS, ARTICLE I USE, SECTION 332-7 PROHIBITIONS, SECTION 332-9 PROHIBITED WASTES OR WATER AND SECTION 332-14 DEFINITIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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:

## CHAPTER 332

**ARTICLE I**  
**USE**

**§332-7 PROHIBITIONS.**

No roof drainage, cellar drainage, unpolluted industrial process water, surface water, grease, waste from hydrants or groundwater from underground drainage fields shall be admitted or permitted to drain into the sewer system. No cesspool or septic tank shall be allowed to discharge into the sewer system. The sewer system is intended to convey sanitary sewage and industrial wastes only.

**§332-9 PROHIBITED WASTES OR WATER.**

Except as herein provided, no person shall discharge or cause or allow to be discharged any of the following described waters or wastes to or in any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fats, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood or other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage treatment plant.
- E. Any waters or wastes having a pH lower than 6.0 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures or equipment and personnel of the sewage works.
- F. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard in the receiving waters of the plant.
- G. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- I. Any waste, liquid, solid or other substance, the discharge of which is prohibited by the Middlesex County Utilities Authority or which will not be accepted by the Middlesex County Utilities Authority.

- J. All restaurants, cafeterias, institutional kitchens or other food establishment or facility discharging grease, fats, wax, or oils such that may be detrimental to the sewer system, shall use a grease trap. A garbage grinder shall not be used when a grease trap is required.
- K. The grease trap shall be installed and used in accordance with the requirements set forth in the Plumbing Subcode.
- L. Grease traps utilized by restaurants, cafeterias, institutional kitchens and other facilities shall be inspected annually, in addition to such other reasonable times as are deemed necessary, by any of the following Borough of Middlesex personnel: Construction Officer, Code Enforcement Officer, Supervisor or member of the Department of Public Works, Middlesex' Sewer Operator, and any representative of the Middlesex County Board of Health.
- M. All restaurants, cafeterias, institutional kitchens and other facilities using a grease trap shall provide copies of a certification to the Middlesex Sewer Department, a minimum of three (3) certifications per year, from a service company that the grease traps have been properly installed, are properly maintained and are functioning for their intended purposes.
- N. In addition to the Borough's other remedies, should the Borough or its agents incur costs to clean the sewer laterals or sewer lines in the vicinity of the restaurant, cafeteria, institutional kitchen or other facility due to grease, fats and/or oils, and/or in otherwise responding to a backup caused by such grease, fat and/or oils, whether or not the restaurant, cafeteria, institutional kitchen or other facility has a grease trap, the owner and operator of the offending restaurant, cafeteria, institutional kitchen or other facility, irrespective of its compliance or noncompliance with the requirements of the Plumbing Subcode Official or paragraph d. above, shall be required to reimburse the Borough and its agents for all such costs.

#### **§332-14 Definitions**

As used in this article, the following terms shall have the meanings indicated:

**BOROUGH** – The Borough of Middlesex

**READILY ACCESSIBLE** – It shall be provided by the owner, tenant or occupant of the premises to allow the Borough or its representative to make periodic examination and determination of the volume, character and concentration of the waste being discharged into the sewers or laterals tributary thereto.

**GREASE INTERCEPTOR OR INTERCEPTOR** – A watertight receptacle utilized by non-single-family generators of liquid waste or intercept, collect and restrict the passage of grease, oil and

food particles into the sewer to which the receptacle is directly or indirectly connected and to separate and retain grease and food particles from the wastewater discharged by a facility.

**FOOD ESTABLISHMENT OR FACILITY** – Any establishment or facility engaged in preparing, processing or serving food for a commercial or institutional purpose, or a not-for-profit organization, in a manner likely to result in the discharge of grease, fats or oils to the sewer system, including but not limited to a restaurant, cafeteria, institutional kitchen or other establishment or facility which a ( is involved in the preparation of food by means of cooking (frying, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, poaching, searing, barbecuing or the like) and b) washes skillets, pots, pans, bowls, dishes, plates or other equipment or utensils in water discharged to the sewer system.

**GREASE AND OIL** – Any material, but particularly biological lipids and mineral hydrocarbons, recovered as a substance soluble in an organic extracting solvent using an appropriate analytical method approved under 40 CFR 136. It also includes other material extracted by the solvent from an acidified sample and not volatilized during the extraction procedure, as defined in federal regulations.

**INSPECTOR** – The representative of the borough duly authorized to inspect the construction, operation and/or maintenance of a sewer system or any part thereof.

**MUNICIPAL SANITARY SEWER OR SANITARY SEWER** – The pipe in the street or easement of the borough, used for the conveying of sanitary sewage and industrial wastes for treatment and disposal.

**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 immediately upon final passage and publication in accordance with law.

Mayor DiMura opened the Public Hearing on Ordinance No. 1901-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance No. 1901-16.

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

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### **ADOPTION OF MINUTES**

Councilman Greco moved to approve the October 25, 2016 Regular Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Madden and Mikolajczyk. No: None. Abstain: Corley & Schueler.

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## REPORTS-NONE

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### REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light
  1. The Shade Tree Commission met on October 24 and discussed the status of the Tree Management Plan. The Plan is nearly completed and should be received from Paul Cowie (the consultant) within the next few days and is required to be submitted before the end of the year.

The Commission also discussed amending Chapter 395-8 of the Borough Code entitled Violations and Penalties for removing a Shade Tree and would like to increase the violation from \$200 to \$700 plus the replacement of a new tree. Also, they would like to indicate in the ordinance that the Code Enforcer be listed as the enforcement officer issuing the violation. They are requesting that the council consider this amendment to the ordinance. This ordinance will be discussed further.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Kaplan had nothing to report.
4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
  1. Councilman Madden made a motion to approve the October, 2016 Police Department Monthly Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
  2. Councilman Madden made a motion to approve the October, 2016 Zoning Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
  3. Councilman Madden made a motion to approve the Court Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
  4. Also on November 3<sup>rd</sup> Councilman Mikolajczyk had a councilmanic meeting with Council President Kaplan and Council Madden and Chief Geist. We had an excellent discussion on progress in the past year in addition to a lengthy discussion regarding the direction of the department and plans moving forward relative to the 2017 Budget. It was a very productive meeting and discussion and we all left the meeting with a good feeling about where our police department is headed.
  5. There have been several high profile events in town, mischief night, Halloween, Election Night and all the recent road construction. I feel it should be noted that the police department with their ongoing plan for high visibility, extensive behind the scenes work and emergency preparedness during these times have really contributed to creating a safe atmosphere in our town during these events and turned them into “Non-Events”. I am very proud of their dedication to keeping us safe.



6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had 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 2016(Y)**

**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 #229-16 and #230-16 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 #226-16 – Resolution #228-16  
Resolution #231-16 – Resolution #234-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #226-16**

**WHEREAS**, the Borough of Middlesex has determined that the property listed below is no longer needed for public use pursuant to Division of Local Government Services' Local Finance Notice 2008-9 and the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) which authorizes the sale of this surplus personal property through the use of an online auction service; and

**WHEREAS**, the Borough of Middlesex intends to utilize USGOVBID.COM online auction services; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough that the Purchasing Agent is hereby authorized to sell the surplus personal property as indicated on USGOVBID.COM; an authorized online auction website; and

**BE IT FURTHER RESOLVED**, that the Auction for items shall be for a total of ten (10) days and all fees are to be paid for by the buyer as per the terms and conditions of the agreement entered into between USGOVBID and the Borough of Middlesex and are available at USGOVBID.COM and in the office of the Purchasing Agent.

<u>VIN</u>	<u>YEAR</u>	<u>MAKE</u>
1D4HB48N74 F2085 50	2004	4 Door Dodge Durango
1G1BL53E7NW150799	1992	4 Door Chevy Caprice
2FABP7BV6BX109322	2011	4 Door Ford CV

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The Borough Clerk read the following resolution:

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

**Resolution #227-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,745.56, which item is now available as a revenue from the State Body Armor Replacement Grant Program in the amount of \$2,745.56;

**BE IT FURTHER RESOLVED** that the like sum of \$2,745.56 is hereby appropriated under the caption of "State Body Armor Replacement Grant Program"; and

**BE IT FURTHER RESOLVED** that the above is a result of a State Grant of \$2,745.56 from the State Body Armor Replacement Grant Program.

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The Borough Clerk read the following resolution:

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

**Resolution #228-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$362.59, which item is now available as a revenue from the State Alcohol Enforcement DWI Program in the amount of \$362.59;

**BE IT FURTHER RESOLVED** that the like sum of \$362.59 is hereby appropriated under the caption of "State Alcohol Enforcement DWI Program"; and

**BE IT FURTHER RESOLVED** that the above is a result of a State Grant of \$362.59 from the State Alcohol Enforcement DWI Program.

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The Borough Clerk read the following resolution:

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

**Resolution #229-16**

The Governing Body hereby authorizes the Treasurer to refund the following balances from Escrow Accounts since the Administrative Officer has determined that these projects are complete and all outstanding bills have been paid:

1. National Dust Control; Block 290 Lot 1	\$1,935.44
2. WMK, Inc dba Mobility Works; Block 228 Lot 1&27	\$ 0.59
3. Atlantic State Specialty Gases Inc; Block 289 Lot 18	\$ 570.05
4. Jack DeAngelis, LLC; Block 39 Lot 39	\$ 68.09
5. Amy Flood; Block 109 Lot 12	\$ 0.62
6. Middlesex Bd of Ed; Block 89 Lot 1	\$ 9.99
7. Jeffrey Cuttic; Block 96 Lot 25	\$ 623.41
8. Linda Gallo; Block 209 Lot 72	\$ 619.82
9. Hildegard Olbrich; Block 340 Lot 24.01	\$ 32.70
10. Zuber Brewing Co: Block 316 Lot 6	\$ 232.42
11. New Evergreen Development LLC; Block 246 Lot 1.01	\$ 1.41

12. Corepharma; Block 288 Lot 16	\$ 186.08
13. 900 South Ave. LLC; Block 269 Lot 1	\$ 1,001.75
14. Mazaracki, Inc; Block 107 Lot 16.01	\$ 2.98
15. Enable, Inc; Block 86.08 Lot 3.02	\$ 263.57
16. Orlando Development Corp; Block 295 Lot 20	\$ 214.88
17. Christopher Rosati; Block 312 Lot 21	\$ 304.60
18. Joanne Kelly; Block 306 Lot 35	\$ 626.41
19. Land Development Technologies; Block 271 Lot 7	\$ 540.39
20. NY SMSA Limited Partnership dba Verizon; Block 132 Lot 1	\$ 672.03
21. NY SMSA Limited Partnership dba Verizon: Block 343 Lot 14.01	\$ 347.94
22. NY SMSA Limited Partnership dba Verizon: Block 319 Lot 39	\$1,490.37

Councilman Schueler made a motion to amend Resolution #229-16 to remove 330 Lincoln Boulevard, seconded by Councilman Greco and carried by a unanimous vote of Council.

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

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The Borough Clerk read the following resolution:

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

**Resolution #230-16**

The Treasurer hereby authorizes the transfer of funds for the Current Budget of 2016:

Department	From	To
Administrator S/W	\$123,000.00	
Finance S/W	\$7,500.00	
Tax Collector S/W		\$10,000.00
Tax Assessor S/W		\$1,200.00
Code Enforcement S/W		\$11,600.00
Construction S/W	\$10,000.00	
Road Dept S/W		\$20,000.00
Solid Waste S/W		\$5,000.00
Garbage Dept S/W	\$40,000.00	
Sewer Dept S/W		\$16,000.00
Board of Health S/W		\$50.00
Recreation S/W		\$18,000.00
Municipal Court S/W	\$10,000.00	
Engineering		\$25,000.00
Environmental Services		\$10,000.00
Buildings & Grounds		\$20,000.00

Electricity		\$15,000.00
Street Lighting	\$15,000.00	
Water		\$5,000.00
Natural Gas	\$12,000.00	
Diesel Fuel	\$30,000.00	
Gasoline	\$22,000.00	
Piscataway Sewer		\$112,650.00
	<b>\$269,500.00</b>	<b>\$269,500.00</b>

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

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The Borough Clerk read the following resolution:

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

**Resolution #231-16**

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

**WHEREAS**, On November 1, 2016 Chief Geist recommended Police Officer Jamie Marczak be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Jamie Marczak be and is hereby advanced in grade to Patrolman Class "E" effective November 19, 2016 at an annual salary of \$69,015.

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The Borough Clerk read the following resolution:

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

**Resolution #232-16**

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

**WHEREAS**, On November 1, 2016 Chief Geist recommended Police Officer Daniel McCue be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Daniel McCue be and is hereby advanced in grade to Patrolman Class “C” effective November 21, 2016 at an annual salary of \$86,692.

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The Borough Clerk read the following resolution:

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

**Resolution #233-16**

The Governing Body hereby approves the Construction Department waive the HVAC Permit Fees for H. C. Pierce Hose Company, Inc. for the replacement of their HVAC Equipment.

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The Borough Clerk read the following resolution:

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

**Resolution #234-16**

**WHEREAS**, in order to stimulate redevelopment, the Borough Council, (the “Borough Council”) of the Borough of Middlesex (“Borough”) pursuant to Resolution #324-13 designated certain properties within Lincoln Boulevard from The Borough of Bound Brook border to two-hundred feet (200’) east of its intersection with Mountain Boulevard to William Street in need of rehabilitation; and

**WHEREAS**, pursuant to Resolutions #69-14, #158-14 and #253-14 the Borough Council adopted the Lincoln Boulevard Redevelopment Plan (the “Plan”) for parcels within that area (the “Redevelopment Plan” or “Redevelopment Area”); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

**WHEREAS**, during the time since adoption of the Plan, little development has occurred in the Redevelopment Area under the Plan; and

**WHEREAS**, the Borough Council has determined that the Plan must be amended to address further refinement of the permitted uses and certain bulk standards for that area; and

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to adopt an Amendment to the Plan within that area to effectuate the redevelopment of the area; and

**WHEREAS**, on April 9, 2014, the Planning Board authorized Paul N. Ricci, P.P., Lic. No. L1005570 (the “Planning Consultant”) to conduct an investigation and prepare a study of the Redevelopment Area; and

**WHEREAS**, on July 19, 2016 , the Borough Council referred amendments to the Plan to the Planning Board and received no comment; and

**WHEREAS**, the Borough Council is recommending further amendments to the plan.

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7.f, the Borough Council hereby refers the Plan to the Planning Board for consideration of amendments or further refinement of the permitted uses and certain bulk standards for the Redevelopment Area.

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

1. That the Borough Council does hereby authorize the Planning Board to review proposed amendments and refinements to the Plan and to report its findings to the Borough Council within forty-five (45) days hereof.
2. This Resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #235-16**

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 Kaplan and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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**PUBLIC COMMENTS**

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

Sharon Smigel, 27 Washington Avenue mentioned that last month she asked the Mayor about the purchasing agent position and he mentioned that it was a part time position. She questioned why her comments were not included in the minutes and now it is going to be made a full time job. Mayor DiMura indicated that it is not a full time job and said the person is being paid a stipend as Acting Purchasing Agent and going for her certification. Ms. Smigel indicated that the minutes reflected that the purchasing agent be appointed this stipend and next year move her to full time status. Mayor DiMura will correct that and amend the minutes at the next meeting and make sure the comments are there and to reflect that it is now a part time job and will be approved as amended.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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## **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. PSE&G Direct Install Program for Government Facilities - Representatives from this program came in to do an audit of the borough lights and this program would have PSE&G cover 70% of the costs involved, and the borough would have 5 years to pay off the additional 30% to convert the light fixtures from LED to current. A consensus of Council was to approve this resolution at the December 13, 2016 Meeting.

2. Review of Borough IT Infrastructure Analysis Plan – Mayor DiMura is recommending that in order to get our technology up to date at the Borough he would like to bring in an outside vendor to look at the municipality and see what our needs are compared to other municipalities. The Borough Administrator has reached out to TK1 Solutions of Woodbridge who has been highly recommended and has worked with South River, Metuchen and Matawan. This company will discuss with Ryan Zittel the Borough needs when it comes to technology and prepare a Analysis Plan at a cost of \$1500. Council approved a resolution being done at the December 13, 2016 Meeting.

3. Ethics Ordinance – Mayor DiMura mentioned that many years ago we had a local Ethics Committee and the governing body determined that they wanted to turn it over to the state. The State is now the default if the town does not have an ethics board. We recently passed a resolution to use our own Ethics Committee, but the state has nothing to show that we ever had an Ethics Committee at all, so the resolution to reinstate is void. The governing body has an opportunity to reconstitute an Ethics Committee, which would mirror state statutes and state laws. Mayor DiMura has pursued this matter because the last ethics issue that the Borough had was at the state for 2 years. The Mayor feels that if these issues can be addressed at the local level they should, and they can always appeal to the state. A Council consensus was taken for the Borough Attorney to prepare an ordinance for the December 13, 2016 Meeting for introduction of an ordinance to recreate the Ethics Board.

4. Flying Field – Mountain View Park – Mayor DiMura stated that the Board of Education has 5 options that are being considering for the borough schools and most of these options effect the soccer fields at Mauger School. Mayor DiMura walks Mountain View Park often and feels that there is very little usage of the flying field. The Mayor would like council to consider removing the flying field and put soccer fields there, as it would better utilize the land, as the flying field is not being used by our community. The Borough Attorney indicated that we would have to put the club on notice and look into the funds that were used to redo the flying field in the past. Also, the Mayor stated that he would reach out to them and get more information, and also check with the Recreation Department about the permits that they issue to use the flying field.



5. Survey of Mountain View Park Project – The Borough Engineer is required to do a survey immediately on the Mountain View Park Project, and that survey is currently being done, with the cost coming from the grant money for the project.

6. Recreation Commission – Mayor DiMura indicated that over the next year we are going to have a lot of changed in the Recreation programs and by the first of the year we may have a plan to move Recreation & Seniors to OLMV school and expand the recreation and the senior programs. If we want to expand programs we will need additional staff and we anticipate that there will be a lot of changes in the Recreation Programs. The governing body has no involvement in the Recreation Commission other than the hiring of the director and Mayor DiMura is recommending that the governing body consider making the Recreation commission an advisory committee, due to this anticipated expansion.

Councilman Schueler mentioned that the governing body should have control over the expansion and suggested that the Council consider looking at this 3, 4 or 5 years down the road and say we have done groundwork and revert back to the commission.

Consensus of Council was to change the Commission to a Committee and note that this is for the sake of the expansion. The auditor will be contacted about the trust account and the governing body would make decisions of their expenditures.

A consensus of council was to move forward with ordinance amendment at the December 13, 2016 Regular Meeting.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
DECEMBER 13, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

Mayor DiMura added Resolution #253-16 to approve the execution of the Developer's Agreement with Ralyn Realty, LLC to the Agenda this evening.

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**PRESENTATIONS**

Council President Kaplan and Councilman Greco both were recognized by the Mayor and Council and presented with a pen set for their service as councilmen to the Borough. Council President Kaplan has served as a Councilman for 9 years and Councilman Greco has served for 3 years. Both Council President Kaplan and Councilman Greco stated that they enjoyed serving the community, thanked the public for their support and mentioned that they would like to continue to stay active in the community.

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**APPOINTMENTS**

The Borough Clerk read the following resolution:

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

**Resolution #236-16**

**WHEREAS**, Bryan Rodrigues has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Bryan Rodrigues be appointed to the position of Probationary Patrolman effective December 14, 2016 at an annual salary of \$51,339.00.

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

1. Bryan Rodrigues is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective December 14, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

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

Chief Geist thanked the Mayor and Council for their support of the Police Department and congratulated Bryan Rodrigues for his appointment to the Middlesex Police Department.

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1904-16 for introduction:

**ORDINANCE NO. 1904-16**

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MIDDLESEX BY ADDING A CHAPTER TO ESTABLISH STANDARDS OF ETHICAL CONDUCT FOR OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX AND ESTABLISHING THE MIDDLESEX BOROUGH ETHICAL STANDARDS BOARD**

**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 adding a chapter to include the following:

**38-1 - Short title.**

This chapter is known and may be cited as the "Borough of Middlesex Ethics Ordinance."

### **38-2 - Findings—Declarations.**

The Borough council finds and declares that:

- A. Public office and employment are a public trust; and
- B. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives; and
- C. Whenever the public perceives a conflict between the private interest and the public duties of a government officer or employee, that confidence is imperiled; and
- D. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and
- E. It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for Borough officers and employees are clear, consistent, uniform in their application, and enforceable on a Borough-wide basis, and to provide Borough officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.
- F. This Article is enacted under the authority of the Local Government Ethics Law, L. 1991, c. 29 (N.J.S.A. 40A:9-22.1), and under the further authority granted to the Borough of Middlesex under the provisions of Title 40 and 40A of the New Jersey Statutes.

### **38-3 - Definitions.**

As used in this chapter:

"Agency" means any agency, board, governing body, including the mayor and council, bureau, division, office, commission or other instrumentality within the Borough, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but does not include the school board.

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

"Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a Borough agency who is not a local officer, but does not mean any employee of the school district.

"Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization but does not include the control of assets in a non-profit entity or labor union.

"Member of immediate family" means the spouse or dependent child of a Borough officer or employee residing in the same household.

"Officer" means any person whether compensated or not, whether part-time or full-time (1) elected to any office of a Borough agency; (2) serving on a Borough agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county or regional authority; or (4) who is a managerial executive or confidential employee of a Borough agency, as defined in N.J.S.A. 34:13A-3, but does not mean any employee of a school district or member of a school board.

#### **38-4 - Ethics board established.**

- A. There is established, pursuant to the provisions of Chapter 29, Laws of 1991, the Borough of Middlesex Ethics Board consisting of six members who are residents of the Borough, at least two of whom are public members. The members of the ethics board are appointed by resolution of the Borough council. The members are chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the ethics board are of the same political party.
- B. The members of the ethics board shall annually elect a chairperson from among the membership.
- C. The members shall serve for terms of five years, except that of the members initially appointed, two of the public members are appointed to serve for terms of five years, one member is appointed to serve for a term of four years, and the remaining members are appointed to serve for terms of three years. Each member shall serve until his or her successor has been appointed and qualified. Any vacancy occurring in the membership of the ethics board is filled in the same manner as the original appointment for the unexpired term.
- D. Members of the ethics board shall serve without compensation but are reimbursed by the Borough for necessary expenses incurred in the performance of their duties under this chapter.

#### **38-5 - Powers of the ethics board.**

The ethics board shall have the following powers:

- A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the code of ethics or financial disclosure requirements by local officers and employees serving the Borough;

- B. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;
- C. To forward to the county prosecutor or the attorney general or other governmental body any information concerning violations of the code of ethics or financial disclosure requirements by officers or employees serving the Borough which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the attorney general;
- D. To render advisory opinions to officers or employees serving the Borough as to whether a given set of facts and circumstances would constitute a violation of any provision of the code of ethics or financial disclosure requirements;
- E. To enforce the provisions of the code of ethics and financial disclosure requirements with regard to officers or employees serving the Borough and to impose penalties for the violation thereof as authorized by Chapter 29, P.L. 1991; and
- F. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this chapter.

#### **38-6 - Support of ethics board.**

- A. The mayor and council of the Borough shall provide the ethics board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.
- B. All necessary expenses incurred by the ethics board and its members are paid, upon certification of the chairperson, by the Borough treasurer, within the limit of funds appropriated by the mayor and council for those purposes. Notwithstanding this provision, no expense exceeding \$500.00 shall be incurred without prior approval of the Governing Body of the Borough of Middlesex.
- C. The ethics board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this chapter within the limits of funds appropriated by the mayor and council for those purposes.

#### **38-7 - Code of ethics established.**

- A. The ethics board shall promulgate a code of ethics for all local government officers and employees serving the Borough. Local government officers and employees serving the Middlesex parking authority and the housing authority of the Borough is deemed to be serving the Borough for purposes of this chapter.  
The Borough code of ethics so promulgated is either identical to the provisions set forth in Section 5 of Chapter 29, P.L. 1991 or more restrictive, but not less restrictive.
- B. Within fifteen (15) days following the promulgation thereof, the Borough code of ethics, and a notice of the date of the public hearing to be held thereon, are published

in at least one newspaper circulating within the Borough and distributed to the Borough clerk and to the heads of the local government agencies serving the Borough for circulation among the local government officers and employees serving the Borough. The Borough ethics board holds a public hearing on the Borough code of ethics not less than thirty (30) days following its promulgation at which any local government officer or employee serving the Borough and any other person wishing to be heard are permitted to testify. As a result of the hearing, the ethics board may amend or supplement the Borough code of ethics as it deems necessary.

- C. If the Borough code of ethics is not identical to the provisions set forth in Section 5 of Chapter 29, P.L. 1991, the Borough ethics board shall thereafter submit the Borough code of ethics to the local finance board for approval. If the board fails to act within sixty (60) days following receipt of the code, the Borough code of ethics is deemed approved. A Borough code of ethics requiring board approval takes effect for all local government officers and employees serving the Borough sixty (60) days after approval by the board.
- D. A Borough code of ethics identical to the provisions set forth in Section 5 of Chapter 29, P.L. 1991, takes effect ten (10) days after the public hearing held thereon.
- E. The Borough ethics board shall forward a copy of the Borough code of ethics to the Borough clerk and shall make copies of the Borough code of ethics available to local government officers and employees serving the Borough.

### **38-8 - Annual financial disclosure statement.**

- A. Borough Officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this section include the following information which specifies, where applicable, the name and address of each source and the officer's job title:
  - 1. Each source of income, earned or unearned, exceeding two thousand dollars (\$2,000.00) received by the Borough officer or a member of his or her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the Borough officer or member of his or her immediate family has interest in the business organization; and
  - 2. Each source of fees and honorariums having an aggregate amount exceeding two hundred fifty dollars (\$250.00) from any single source for personal appearances, speeches or writings received by the Borough officer or a member of his or her immediate family during the preceding calendar year; and
  - 3. Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding four hundred dollars (\$400.00) from any single source excluding relative, received by the Borough officer or a member of his or her immediate family during the preceding calendar year; and

4. The name and address of all business organizations in which the Borough officer or a member of his or her immediate family has an interest during the preceding calendar year; and
5. The address and brief description of all real property in the state in which the Borough officer or a member of his or her immediate family held an interest during the preceding calendar year.

The following disclosures in addition to those contained in subsections (A)(1) through (A)(5) above are required annually of local government officers and employees involved in development, redevelopment or property acquisition, as listed hereafter, and housing inspectors.

6. The address and brief description of all real property in the Borough in which (a) the local government officer or a member of his or her immediate family, or (b) any business organization required to be disclosed pursuant to subsection (A)(4) above, held an interest during the preceding calendar year.

The information required by subsection (A)(6) to be disclosed by persons described in subsection (A) above, is disclosed in the annual disclosure statement provided that within thirty (30) days of acquiring an interest in property, the person fulfills this requirement either by filing a disclosure statement for the preceding year listing the property, if not previously disclosed, or by filing a supplement to the previously filed disclosure statement. This disclosure requirement shall not apply to residential real property owned and actually occupied by the person as his or her principal residence.

As used in this section, "local government officer or employee involved in development, redevelopment or property acquisition" means and includes: mayor, members of council, Borough administrator, Borough attorney, assistant Borough attorneys, Director of the Department of Finance, Director of the Department of Inspections, Construction Official, Fire Sub code Official, Plumbing Sub code Official, Electrical Sub code Official, Director of the Department of Public Works, Director of the Department of Recreation, Chief of Police, Captain of the Police Department, Lieutenant of the Police Department, Tax Assessor, Borough Clerk, Deputy Borough Clerk, Borough Engineer, Borough Planning Consultant, Borough Auditor, Municipal Judge, Borough Prosecutor, Borough Public Defender, zoning administrative officer, planning board members, zoning board of adjustment members, planning board attorney, zoning board of adjustment attorney, all commissioners, Fire Chief, Library Board of Trustees member, Director of the Middlesex Public Library, or any other person who is a managerial executive or confidential employee, as defined in Section 3, N.J.S.A. 34:13A-3, of the Borough of Middlesex or of any agency created under the authority of or appointed by the Borough of Middlesex.

- B. On receipt from the local finance board of the financial disclosure statement form prescribed by it for persons required by N.J.S.A. 40A:9-22 to file disclosure statements the clerk shall furnish same to the persons required to file. At the same time, the clerk shall deliver to those persons required by this section, but not by N.J.S.A. 40A:9-22, to file local disclosure statements, a copy of the local financial disclosure form, which form contains designated space for furnishing the required information.
- C. All persons required to file annual disclosure statements file the same with the Borough clerk. A copy of the statement of all persons required to be filed by N.J.S.A.



40A:9-22 is furnished by the Borough clerk (1) to the local finance board, and (2) to the Borough's ethics board. Borough Officers shall file initial financial disclosure statements by the earlier of (1) ninety (90) days following the effective date of Chapter 29 P.L. 1991, or (2) thirty (30) days following the effective date of this Ordinance. Thereafter statements are filed on or before April 30th of each year.

A copy of the local disclosure form required only by subsection (A) of this section is filed with the Borough clerk and a copy thereof is furnished to the Borough's ethics board.

- D. All financial disclosure statements filed are public records.

### **38-9 - Request for advisory opinion authorized.**

An officer or employee serving the Borough may request and obtain from the ethics board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the code of ethics or any financial disclosure requirements. Advisory opinions of the ethics board is not made public except when the ethics board by the vote of two-thirds of all its members directs that the opinion be made public. Public advisory opinions shall not disclose the name of the Borough officer or employee unless the ethics board in directing that the opinion be made public so determines.

### **38-10 - Ethics complaint—Procedures—Penalties and sanctions.**

- A. The ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee serving the Borough is in conflict with the code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within thirty (30) days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.
- B. The ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.
- C. If the ethics board concludes that the complaint is outside its jurisdiction, frivolous or without factual basis, it reduces that conclusion to writing and transmits a copy thereof to the complainant and to the officer or employee against whom the complaint was filed. Otherwise the ethics board shall notify the officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the ethics board with any statement or information concerning the complaint which he or she wishes.
- D. If the ethics board determines that a reasonable doubt exists as to whether the officer or employee is in conflict with the Borough's code of ethics or any financial disclosure requirements, it conducts a hearing in the manner prescribed by Section 38-11 concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the officer or employee.

- E. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the code of ethics or any financial disclosure requirement. This decision is made by no less than two-thirds of all members of the ethics board.
- F. If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitation of Section 10 of Chapter 29, P.L. 1991. A final decision of the ethics board may be appealed to the local finance board within thirty (30) days of the decision.
- G. A finding by the ethics board that an appointed local government officer or employee is guilty of the violation of the provisions of this chapter, or of any code of ethics in effect pursuant to this chapter, is sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is charged with violating the provisions of this chapter or any code of ethics in effect pursuant to this chapter, the procedure leading to removal, suspension, demotion or other disciplinary action is governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

### **38-11 – Ethical standards.**

Officers and employees of the Borough of Middlesex shall comply with the following provisions:

- A. No officer or employee of the Borough of Middlesex or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction or professional activity which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- B. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or others.
- C. No officer or employee shall act in his or her official capacity in any matter where he, a member of his or her immediate family or any business organization in which he or she has an interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment.
- D. No officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.
- E. No officer or employee, member of his or her immediate family or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly,

in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties.

- F. No officer or employee shall use or allow to be used his or her public office or employment or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her office or employment for the purpose of securing financial gain for himself, any member of his or her immediate family or any business organization with which he or she is associated.
- G. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the Borough in connection with any cause, proceeding, application or other matter pending before any agency of the Borough of Middlesex. This provision shall not be deemed to prohibit an employee from representing another employee where the representation is within the context of official labor union or similar representation responsibilities, nor shall this provision be applicable to the Borough Public Defender with respect to representation of defendants in the Municipal Court.
- H. No officer shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his or her immediate family, whether directly or indirectly, in return therefor.
- J. Nothing shall prohibit any officer or employee of the Borough of Middlesex or members of his or her immediate family from representing himself, herself or themselves in negotiations or proceedings concerning his, her or their own interests.
- K. No officer or employee elected or appointed in the Borough shall, without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or government affairs of the Borough.
- L. No officer or employee shall approve or disapprove or in any way recommend the payment of any bill, voucher or indebtedness owed or allegedly owed by the Borough in which he has a direct or indirect personal, pecuniary or private interest.

- M. No officer or employee elected or appointed in the Borough shall request, use or permit the use of any public property, vehicle, equipment, labor or service for personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

### **38-12 - Conduct of hearings.**

All hearings required pursuant to this chapter are conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a state agency in contested cases under the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.).

### **38-13 - Records to be preserved.**

All statements, complaints, requests or other written materials filed pursuant to this chapter, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this act are preserved for a period of at least five years from the date of filing or preparation; as the case may be.

### **38-14 – Enforcement; violations and penalties.**

- A. An appointed officer or employee of the Borough of Middlesex found guilty by the Middlesex Borough Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1.[1] The Middlesex Borough Ethical Standards Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.

(1) Editor's Note: See now N.J.S.A. 2A:58-10 et seq.

- B. An elected officer or employee of the Borough of Middlesex found guilty by the Middlesex Borough Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1).[2]

[2] Editor's Note: See now N.J.S.A. 2A:58-10 et seq.

- C. The findings by the Middlesex Borough Ethical Standards Board that an appointed officer or employee of the Borough of Middlesex is guilty of the violation of the provisions of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is found to have violated the provisions of this chapter or any in effect pursuant to this chapter, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures in Title 11A of the New Jersey Statutes Annotated and the rules promulgated pursuant thereto.

**SECTION TWO.** This ordinance shall take effect after passage and publication as provided by law.

Councilman Madden stated that he had concerns with Section 38-5 D, E and F regarding the (Powers of the Ethics Board) and Paragraph 38-9 (Request for Advisory Opinion Authorized) and 38-11 (Ethical Standards) of this ordinance. Councilman Madden's primary concerns were regarding any conflict of interest with a local business owner in the borough becoming involved with local government, and would like to see an amendment to the language. Attorney Aithal indicated that in order for the borough to have an Ethics Board they must mirror the state statute and cannot loosen the restrictions of the state statute. Mayor DiMura indicated that if Councilman Madden had a concern about a potential ethical issue, he should bring the issue to the borough attorney to review.

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

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The Borough Clerk read Ordinance No. 1905-16 for introduction:

## **ORDINANCE NO. 1905-16**

### **AN ORDINANCE OF THE BOROUGH OF MIDDLESEX AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MIDDLESEX BY ADDING A CHAPTER TO ESTABLISH CHAPTER 93 – PARKS AND RECREATION COMMITTEE**

**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 adding a chapter to include the following:

### **93-1 - Establishment.**

There is hereby established in the Borough of Middlesex a parks and recreation committee, which shall have the duties and powers hereinafter more particularly set forth, and the members of which shall be appointed by the Mayor with the advice and consent of Council in accordance with the provisions of this chapter.

### **93-2 - Membership; terms; liaison; filling of vacancies.**

A.

The parks and recreation committee shall be composed of seven members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. Such members and alternate members shall be appointed by the Mayor to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner: two members for initial one-year terms; two members for initial two-year terms; three members for initial three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term. After the conclusion of the initial terms as herein provided, all terms shall be for three years. The Mayor shall designate the alternate members as "alternate no. 1", and alternate no. 2". At meetings of the parks and recreation committee, alternate members shall be permitted to participate in discussion of the proceedings, but shall not be permitted to vote except in the absence or disqualification of one or more regular members, in which event, alternate members shall be permitted to vote in lieu of such absent or disqualified regular members in the order of numerical designation of such members.

B.

In addition to the aforementioned members, the Mayor shall appoint a member of the Borough Council to serve as a liaison to the recreation committee each year, who shall be permitted to participate in discussions of the proceedings of the committee, but who shall not be permitted to vote. Such members of the Borough Council shall serve a one-year term.

C.

All appointments shall expire on December 31. Initial appointments as above provided, shall be made for the balance of the one-, two- or three-year term designated, ending on December 31 of the applicable year.

D.

Vacancies shall be filled by the Mayor for the unexpired term only. The members shall serve until their respective successors are appointed, found qualified, and take office.

### **93-3 - Relation to the Borough committee.**

A.

The Borough Council shall cooperate with the recreation committee to coordinate and provide equipment for recreational activities, as well as to coordinate the development, operation and maintenance of parks, public places, playgrounds, and recreational areas, in the Borough of

Middlesex, in order to provide for the maximum benefit and planned development for the residents of the Borough of Middlesex.

B.

The Borough Council may, from time to time, by resolution, place activities, parks, public places, playgrounds and recreational areas under the jurisdiction of the parks and recreation committee for development, operation or maintenance thereof, or for such purposes as may be specified in any such resolution. The Borough shall continue to be responsible for the care, custody and policing of any such parks, public places, playgrounds and recreational areas, which, from time to time, may be placed under the jurisdiction of the parks and recreation committee, unless such responsibilities or any others shall be specifically assigned in any such resolution.

C.

The parks and recreation committee herein established shall not be deemed to be a park or recreation commission pursuant to N.J.S.A. 40:12-1 et seq., but such parks and recreation committee shall have only those powers and duties as may be set forth herein or as may be more particularly provided by resolution of the Borough Council.

D.

There shall be no appropriation of public funds to the parks and recreation committee, except as may be provided by the Borough Council for designated purposes consistent with the intent of this chapter. The parks and recreation committee shall recommend to the Borough Council proposals, from time to time, as may be consistent herewith.

E.

The Borough shall obtain liability insurance coverage covering the approved activities under the jurisdiction of the parks and recreation committee, the participants in those activities, the Borough of Middlesex and individual members of the parks and recreation committee.

F.

Neither the parks and recreation committee nor any member or members thereof shall have any power or right, express or implied, to bind or obligate the Borough of Middlesex or the Borough committee, directly or indirectly.

### **93-4 - Duties.**

The primary purpose of the parks and recreation committee shall be to:

A.

Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.

B.

Provide recommendations for the orderly development of parks or other public lands in the Borough of Middlesex.

C.



Cooperate with the Middlesex County Department of Parks and Recreation in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County Department of Parks and Recreation.

D.

Suggest improvements needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.

E.

Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.

F.

Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the parks and recreation committee and the provisions of this chapter and subject to the limitations contained herein.

### **93-5 - Limitations.**

The parks and recreation committee shall not act in any manner which would cause a forfeiture of any lands of the Borough of Middlesex. The Borough reserves the right to limit the jurisdiction, purposes or programs of the parks and recreation committee at any time by resolution of the Borough Council.

### **93-6 - Organization.**

The parks and recreation committee may organize as it sees fit, choosing a chairperson and such other officers from among its members as it may deem advisable, adopt rules and bylaws for the orderly conduct of Meetings, and organize sub-committees for the administration and handling of its programs.

Members shall attend one-half of all public meetings in each calendar year and shall not be absent from three consecutive regularly scheduled meetings. The committee shall petition the Borough Council for removal and replacement of any member with attendance below this standard.

### **93-7 – Recreation Director.**

The Recreation Director appointed by the Mayor shall serve as a voting member of the parks and recreation committee.

### **93-8 - Grievance procedure; appeals.**



A.

Any recognized recreational group who feels or believes it is aggrieved by any of the actions of the Recreation Director shall have the right to appeal any of the Recreation Director's actions and/or recommendations in the first instance to the Borough Administrator. Said appeal shall be filed not later than ten (10) days from the date of any action or recommendation taken by the Recreation Director and shall be in writing to the Borough Administrator.

B.

The Borough Administrator shall thereafter set the matter down for a hearing and consider the testimony of witnesses and other evidence to be presented and at the conclusion of which the Borough Administrator shall render a decision as soon as is practicable.

C.

Any party may appeal in the final instance the decision of the Borough administrator to the Borough Council, within five days of the Borough administrator's decision in writing to the Borough clerk.

**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 replace Chapter 92, which is hereby repealed upon final passage and publication of this ordinance according to law.

**SECTION SIX.** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

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### **PUBLIC HEARING**

The Borough Clerk read ordinance No. 1902-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1902-16**

**BOND ORDINANCE PROVIDING FOR A SANITARY SEWER  
REHABILITATION PROJECT BY AND IN THE BOROUGH OF  
MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF**

**NEW JERSEY; APPROPRIATING \$2,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,450,000 BONDS OR NOTES TO FINANCE THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$2,450,000. Pursuant to Sections 40A:2-7d and 40A:2-11c of the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"), the Borough is not required to provide for a cash down payment for such improvements or purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,450,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,450,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are the rehabilitation of the Borough sanitary sewer system, including but not limited to the rehabilitation of approximately 9,600 linear feet (covering 11 streets) of various size sanitary sewer mains and 43 manholes, and the reconstruction of five manholes. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated cost of said improvements and purposes is \$2,450,000.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,450,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section

4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of

the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,450,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$120,000 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 improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,450,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DiMura opened the Public Hearing on Ordinance No. 1902-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance No. 1902-16.

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

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The Borough Clerk read ordinance No. 1903-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1903-16**

**ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, AMENDING THE REDEVELOPMENT PLAN FOR THE LINCOLN BOULEVARD REDEVELOPMENT AREA**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of rehabilitation; and

**WHEREAS**, on July 25, 2006, the Mayor and Council of the Borough of Middlesex, New Jersey (the “Borough”) adopted resolution #179-06, entitled “Resolution Designating an Area in Need of Rehabilitation Along the West Portion of Lincoln Boulevard from the Bound Brook Border to 200 Feet East of its Intersection with Mountain Avenue and the South Portion of Mountain Avenue from its Intersection with Lincoln Boulevard to William Street in the Borough of Middlesex” (the “Designating Resolution”), which resolution designated said area as an area in need of rehabilitation (the “Rehabilitation Area”); and

**WHEREAS**, on September 18, 2007, the Mayor and Council of the Borough of Middlesex New Jersey (the “Borough”) adopted Ordinance #1723-07, entitled Ordinance of The Borough of Middlesex, in The County of Middlesex, adopting the Redevelopment Plan for the Lincoln Boulevard Rehabilitation area; and

**WHEREAS**, on April 14, 2015, the Mayor and Council of the Borough of Middlesex New Jersey (the “Borough”) adopted Ordinance #1871-15 entitled an Ordinance of The Borough of Middlesex, in The County of Middlesex, State of New Jersey, amending the Redevelopment Plan for The Lincoln Boulevard Redevelopment area to allow for certain properties not under common ownership located within the focus areas to opt out of the Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

**WHEREAS**, during the time since adoption of the Redevelopment Plan (the “Plan”), little development has occurred in the Redevelopment Area under the Plan; and

**WHEREAS**, on April 9, 2014, the Planning Board authorized Paul N. Ricci, P.P., Lic. No. L1005570 (the “Planning Consultant”) to conduct an investigation and prepare a study of the Redevelopment Area; and

**WHEREAS**, the Borough Council has determined that the Plan must be amended to address further refinement of the permitted uses and certain bulk standards for that area; and

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to adopt an Amendment to the Plan within that area to effectuate the redevelopment of the area; and

**WHEREAS**, on July 19, 2016, the Borough Council referred amendments to the Plan to the Planning Board and received no comment; and

**WHEREAS**, Paul N. Ricci, P.P, has worked with the Mayor and the Borough’s professional staff to further refine and revise the Redevelopment Plan; and

**WHEREAS**, this further refinement is set forth in the Plan revisions Prepared by Mr. Ricci and dated November 18, 2016, (the “November 18 Revised Plan); and

**WHEREAS**, by Resolution No. 234-16 adopted on November 22, 2016, the Mayor and Council referred the November 18 Revised Plan of the Lincoln Boulevard Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, the Mayor and Council hereby find that the November 18 Revised Plan is in the best interest of the Borough and now desire to adopt the November 18 revised Redevelopment Plan.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The November 18 Revised Redevelopment Plan, attached hereto as Exhibit A and made a part hereof, is hereby approved pursuant to N.J.S.A. 40A:12A-7.

3. The sections of the Zoning Map of the Borough of Middlesex that relate to the portions of the Lincoln Boulevard Redevelopment revised in the November 18 Revised Plan, if any, are hereby amended to incorporate the provisions of the November 18 Revised Plan that apply thereto.

4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Borough Clerk.

6. This Ordinance shall take effect immediately upon final adoption and publication thereof according to law.

Attorney Aithal recused himself from any discussion on Ordinance No. 1903-16.

Mayor DiMura opened the Public Hearing on Ordinance No. 1903-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance No. 1903-16.

Mayor DiMura thanked the Borough Redevelopment Attorney Baker who had attended the meeting to address any public comments.

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

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### **ADOPTION OF MINUTES**

Councilman Mikolajczyk moved to approve the November 22, 2016 Regular Meeting Minutes seconded by Councilman Greco and carried by a unanimous vote of Council. .

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### **REPORTS**

#### **Mayor**

1. October 11, 2016 & October 25, 2016 Regular Meeting Minutes – Mayor DiMura stated that at the last meeting a member of the public got up and questioned minutes that were approved by the governing body which she felt were incorrect and did not include her comments. Mayor DiMura clarified the meeting minutes and no changes were needed to be made to the minutes.
2. Christmas Tree Lighting – Mayor DiMura commended the Recreation Director for the great job that was done on the Christmas Tree Lighting Ceremony on Sunday. Also, Mayor DiMura thanked the OEM, Fire Department, Police and Rescue Squad for their help and Department of Public Works for the donation of the Christmas Tree, and the decorations that they helped build at the park.

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## REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Kaplan had nothing to report.
4. Public Works/Parks/Sanitation/Recycling
  1. Pesticides Committee Report – Councilman Corley’s Committee met to discuss the possibility of having a borough employee obtain the license to spray pesticides for the borough. Council discussed this matter and Mayor DiMura requested that Councilman Corley get the cost of the courses needed to get certified, get the costs that were spent last year on the spraying of pesticides, and an estimate of the cost to store the pesticides. This will be discussed further at the December 27, 2016 Meeting.
5. Police/Legal/Code Enforcement/Construction/Municipal Court
  1. Councilman Mikolajczyk made a motion to approve the 2016 Zoning/Code Enforcement Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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The Borough Clerk read the following resolution:

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

### **Consent Agenda 2016(Y)**

**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 #240-16, Resolution #249-16 and #250-16 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 #237-16 – Resolution #239-16  
Resolution #241-16 – Resolution #248-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #237-16**

The tax collector is hereby authorized to refund a partial payment of 2016 3<sup>rd</sup> quarter property taxes in the amount of \$877.42 on Block 252 Lot 1. The property has been bought by the United States Army Corps of Engineers and is now an Exempt property. The check should be payable to:

Diversified Settlement Services, Inc.  
1200 Veterans Highway, Suite C-7  
Bristol, PA 19007

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The Borough Clerk read the following resolution:

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

**Resolution #238-16**

The Tax Collector is hereby authorized to refund an overpayment of 4<sup>th</sup> quarter taxes in the amount of \$ 3711.39 on Block 43, Lot 10, 316 Second Street due to a duplicate payment by the mortgage company. The check is to be made payable to:

Dovenmuehle Mortgage Inc.  
1206 St. Charles Road  
Elgin, IL 60120

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The Borough Clerk read the following resolution:

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

**Resolution #239-16**

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

**WHEREAS**, On December 2, 2016 Chief Geist recommended Police Officer Scott Mulford be advanced in grade.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Scott Mulford be and is hereby advanced in grade to Patrolman Class “F” effective December 29, 2016 at an annual salary of \$60,177.

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The Borough Clerk read the following resolution:

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

**Resolution #240-16**

The governing body hereby approves the Mayor to execute the Community Forestry Management Plan for the years 2017 – 2021.

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

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The Borough Clerk read the following resolution:

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

**Resolution #241-16**

**A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT**

**WHEREAS**, the Borough of Middlesex supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

**WHEREAS**, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

**WHEREAS**, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

**WHEREAS**, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any “gap period” number; and

**WHEREAS**, the New Jersey Supreme Court has, for the stated purposes of, “...judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties, ” agreed to hear an appeal of the Appellate Division ruling in late November; and

**WHEREAS** the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10- year period.” fN.J.S.A. 52:27D-307(c)]; and

**WHEREAS**, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

**WHEREAS**, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

**WHEREAS**, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

**WHEREAS**, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

**NOW, THEREFORE, BE IT RESOLVED**, on this 13 day of December, 2016 by the Borough of Middlesex, County of Middlesex, that:

1. The Borough of Middlesex strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. The Borough of Middlesex supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, (insert State Senator and Assembly Representatives), Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman

Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors

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The Borough Clerk read the following resolution:

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

**Resolution #242-16**

The governing body hereby authorizes the Mayor to execute the PSE&G Installation and Repayment Agreement between Public Service Electric and Gas Company and Middlesex Borough-Admin Building for the installation of certain energy conservation measures at the borough.

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The Borough Clerk read the following resolution:

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

**Resolution #243-16**

**WHEREAS**, the Centers for Disease Control (CDC) reported that from 2004 to 2006, there were approximately 9,500 hospital discharges per year with a diagnosis related to food allergy,

**WHEREAS**, among children under age 18 years. Food allergy is the leading cause of anaphylaxis outside the hospital setting,

**WHEREAS**, five Americans die each day from anaphylaxis,

**WHEREAS**, Researchers estimate that up to 15 million Americans have food allergies,

**WHEREAS**, this potentially deadly disease affects 1 in every 13 children in the United States or roughly two in every classroom,

**WHEREAS**, Assemblywoman Nancy Pinkin has introduced Assembly Bill 3880 to order the Commissioner of Health to develop, in consultation with the New Jersey Restaurant Association and in consideration of food allergy information published by the federal Food and Drug Administration, an informational sign promoting food allergen awareness,

**WHEREAS**, the sign is to include information about the most common food allergens, the health-related consequences of allergic reactions to food, best practices for food storage and preparation to prevent cross-contamination with food allergens, the symptoms of and appropriate responses to an allergic reaction to food, and such other information as the Commissioner deems appropriate,

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey herby confirms for the record of its

support of Assembly Bill 3880 and urges the New Jersey General Assembly and the New Jersey State Senate to enact this important legislation; and

**BE IT FURTHER RESOLVED**, the Borough Clerk shall forward copies of this Resolution to: Senator Nicholas Scutari, Assemblyman Jerry Green, Assemblyman James Kennedy and Assemblywoman Nancy Pinkin.

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The Borough Clerk read the following resolution:

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

**Resolution #244-16**

The Governing Body hereby authorizes the Treasurer to cancel all outstanding checks from the Current Operating Account dated prior to January 1, 2016.

<u>Ck#</u>	<u>Amount</u>	<u>Ck Date</u>
35554	\$35.00	2/13/2013
35910	\$135.00	4/10/2013
36462	\$500.00	7/16/2013
36852	\$26.00	9/25/2013
37034	\$89.85	10/23/2013
37973	\$25.00	3/26/2014
38034	\$200.00	4/9/2014
38269	\$169.12	5/14/2014
38501	\$35.00	6/25/2014
38511	\$15.00	6/25/2014
39562	\$175.00	1/16/2015
39582	\$110.00	1/28/2015
39845	\$313.01	3/2/2015
39878	\$129.27	3/2/2015
40026	\$25.70	3/25/2015
40269	\$100.56	4/29/2015
40314	\$24.20	5/13/2015
41361	\$40.70	12/9/2015
41498	\$120.80	12/23/2015
	\$2,269.21	

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The Borough Clerk read the following resolution:

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

**Resolution #245-16**

The Governing Body hereby authorizes the Treasurer to cancel all outstanding checks from the Payroll Account dated prior to January 1, 2016.

<u>Ck#</u>	<u>Ck date</u>	<u>Amount</u>
12000	5/3/2013	\$2,224.71
12582	8/23/2013	\$124.40
13267	5/2/2014	\$832.17
803	12/24/2014	\$32.00
14171	1/9/2015	\$123.13
823	1/22/2015	\$700.00
14390	4/2/2015	\$123.13
14426	4/17/2015	\$375.78
14657	6/26/2015	\$64.86
14828	8/7/2015	\$123.13
14833	8/7/2015	\$375.06
14844	8/7/2015	\$1,193.24
14859	8/7/2015	\$313.29
14888	8/7/2015	\$294.74
14955	8/21/2015	\$487.54
15141	10/16/2015	\$181.71
15149	10/16/2015	\$193.13
15187	11/13/2015	\$121.35
15190	11/13/2015	\$123.12
968	11/25/2015	\$650.00
15246	11/27/2015	\$18.35
15313	12/24/2015	\$24.76
		\$8,699.60

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The Borough Clerk read the following resolution:

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

**Resolution #246-16**

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

**A RESOLUTION AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, NJ HEALTH BENEFITS PLANS**

**WHEREAS**, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

**WHEREAS**, certain retired employees of the Borough have applied for reimbursement.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw checks, charged against Insurance (1) Group Insurance for Employees from the period July through December 2016, as follows:

James L Benson 445 Harris Ave Middlesex, NJ 08846	\$629.40	Patricia A Benson 445 Harris Ave Middlesex, NJ 08846	\$629.40
Archie J Blood Jr 54 Lincoln Ave Barnegat, NJ 08005	\$578.40	Margie L Blood 54 Lincoln Ave Barnegat, NJ 08005	\$629.40
Anthony Cole 246 Oak Dr Middlesex, NJ 08846	\$578.40	Susan Cole 246 Oak Dr Middlesex, NJ 08846	\$578.40
Dorothy Coren 20 Mead Ave Middlesex, NJ 08846	\$663.00	Joseph Coren 20 Mead Ave Middlesex, NJ 08846	\$1,069.80
John Giuliano 339 Second St Middlesex, NJ 08846	\$578.40	John A Haverstick 771 County Rt 16 Mexico, NY 13114-3193	\$730.80
Judith Lynch 359 Market St Middlesex, NJ 08846	\$243.60	Thomas Lynch 359 Market St Middlesex, NJ 08846	\$629.40
Charlie Nash 213 Melrose Ave Middlesex, NJ 08846	\$578.40	Jerome Nowak 1886 East Fir Ave, Apt 104 Fresno, CA 93720	\$578.40
Arthur Roberts 305 Harris Ave Middlesex, NJ 08846	\$578.40	Erica Schaefer 58 Joe-Ent Rd Flemington, NJ 08822	\$629.40
Jerry Schaefer 58 Joe-Ent Rd	\$629.40	Lorraine Smith 5602 Gold Ct	\$578.40

Flemington, NJ 08822

New Bern, NC 28560-9747

Earl S Thompson \$624.00  
6525 41 Ave North  
St Petersburg, FL 33709-4907

Karen Thompson \$624.00  
6525 41 Ave North  
St Petersburg, FL 33709-4907

James Tolomeo \$629.40  
841 West Second St  
Middlesex, NJ 08846

Rita Wahler \$599.40  
16 Fitzsimmons Ave  
Middlesex, NJ 08846

Roger Wahler \$629.40  
16 Fitzsimmons Ave  
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

**Resolution #247-16**

The Mayor and Council having accepted Dina Fornataro-Healey's resignation effective October 28, 2016 hereby authorize the Treasurer to pay her full allowance of \$6,830.87 in the next regular borough payroll of December 23, 2016. The benefits include the following:

21.5 Hours Compensation Time	\$ 702.62
17 Days' Vacation Time	\$ 4,167.21
8 Days Sick Time	\$ 1,961.04
<b>TOTAL</b>	<b>\$ 6,830.87</b>

The Borough Clerk read the following resolution:

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

**Resolution #248-16**

The Treasurer is hereby authorized to remit the Condo Reimbursements for 2016 to the following:

Gramercy Gardens \$ 7,016.86  
Midatlantic Property Mgmt  
315 Raritan Avenue



Highland Park, NJ 08904

Foxhall Condo Association                      \$ 7,648.18  
Attn: Sheila Paciullo, Manager  
PO Box 233  
Middlesex, NJ 08846

Hanover Square Condo Association            \$ 5,804.78  
Alliance Property Management  
PO Box 2207  
Morrestown, NJ 07962-2207

Middlesex Village Condo Association        \$ 24,946.41  
C/O Regency Management Group  
35 Clyde Road, Suite 102  
Somerset, NJ 08873

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The Borough Clerk read the following resolution:

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

**Resolution #249-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$1,497,227.00, which item is now available as a revenue from the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund in the amount of \$1,497,227.00;

**BE IT FURTHER RESOLVED** that the like sum of \$1,497,227.00 is hereby appropriated under the caption of "Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund"; and

**BE IT FURTHER RESOLVED** that the above is a result of a County Grant of \$1,497,227.00 from the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund.

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

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The Borough Clerk read the following resolution:

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

**Resolution #250-16**

The Governing Body hereby waives the Borough fee for the raffle license for the Middlesex Fire Exempt Organization and also the Friends of the Library.

Councilman Madden made a motion to amend the resolution to include the Friends of the Library seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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

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The Borough Clerk read the following resolution:

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

**Resolution #253-16**

Authorizing the Mayor and Borough Clerk to execute the Developer's Agreement and the Addendum to Developer's Agreement between the Borough of Middlesex, 1200 Mountain Avenue, Middlesex, NJ and Ralyn Realty, LLC, 30 Baekeland Avenue, Middlesex, NJ.

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

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The Borough Clerk read the following resolution:

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

**Resolution #251-16**

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

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### **PUBLIC COMMENTS**

Mayor DiMura opened the public portion of the meeting for any comments.

Frank Ryan, 303 Maple Street spoke about getting a DPW employee Rutgers Certified for pesticides. He stated that this suggestion was tried in the past, and it never worked out, and thinks that if you just hire a company to do the spraying, it would eliminate the schooling, certification and insurance costs required to have an employee do it in house.

Mr. Ryan also stated that it is dark at 6 AM in the morning and feels that the Recycle Center should open at 7 AM because it is a safety issue.

Mr. Ryan also questioned the sewer bill that he received for \$200 and why he received it with only 3 people in the household. Mayor DiMura indicated that with a 100 year old sewer system, issues with the DEP and breaks throughout the sewer system, we need to bring the sewer system up to par which will cost an estimated 11 million dollars. The Borough introduced an ordinance in March that allows for a 120,000 gallon threshold of water use, and anyone over that amount will have to pay a surcharge. Sewer bills were sent out to 275 residents, and we did advise our residents that you can appeal this bill by providing 12 months of water bills and also advising the Borough if you have a pool or sprinkler system.

Mr. Ryan stated that with all the time that the council puts in, he wouldn't mind giving them a raise, and recommended that we look into what other towns pay their governing body.

Sam Josey, 15 Carriage Place, Edison thanked Borough Administrator Brandon Goldberg and Council for supporting Senate Bill S-2254 regarding having restaurants notify patrons of serious risks of allergies by placing posters in restaurants. He appreciates the support of the governing body and hopes that this will eventually move onto an ordinance, so that managers are aware of what they are serving their patrons.

Rich Rutkowski, 211 Maple Avenue questioned whose idea was it to change the Recreation Commission to a Recreation Committee. Mayor DiMura stated that he felt there were various reasons for the change noting (1) Not having the Recreation Director report to two entities leaving the Director to make her own decisions. She will now only answer to the Administrator,

(2) The department will now run day to day not month by month which streamlines communication of the department freeing up the Recreation Committee to be more creative for new programs and expanding on programs, and (3) Possibility of moving the Recreation Center to the former OLMV School.

Mr. Rutkowski disagreed with the Mayor questioning how the Governing Body will handle the requests from the public and the policies that were previously handled by the Commission. He doesn't see a need for this change.

Mr. Rutkowski questioned the painting of the guard rail on Mountain Avenue and also gave notice of a dangerous situation with the sidewalk on Raritan Avenue by the intersection. Mayor DiMura stated he would look into the sidewalk tomorrow. Councilman Kaplan indicated that the County is going to replace the bridge in that area in the next coming months.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Flying Field – Mayor received the following e-mail that was distributed to council:

Dear Mayor DiMura,

Thank you for your call last week. We very much appreciate being kept in the loop when it affects our activity. Since then our membership has been bombarding me with information, both historical and current. I previously had no idea of how stringent the regulations of the use of Green Acres money are regarding the "change of use" of specific and dedicated existing areas, although I'm sure you are quite aware of them. Anyway, here is the text I would like you to read at the meeting.

Dear Mayor and Council Members,

Thank you for listening to our comments regarding the use of our flying field. Middlesex Modelers Inc. is a N.J. non-profit corporation, and a Chartered club with the Academy of Model Aeronautics which has over 150,000 members. We have been continuously active for over 50 years, and presently, enjoy in excess of 40 members. We are very happy and proud to be legacy constituents of this great, Green Acres funded, park for that length of time, and while our field area has shrunk since we began, we are constantly thankful for the space we presently enjoy.

Middlesex Modelers conducts monthly meetings. During the summer, we meet outside, on the field, and in the winter months we meet in the High School. We apply for permits with the recreation department and the police department annually, and conduct 8 open competitions on the field each year. We attract participants from all over the northeast. Our

last meet in November hosted 22 people. In the hobby, our field is considered an icon of model airplane competition.

With exception of competitions, a large part of our flying activity is conducted on weekdays. We fly weekly, weather permitting with a typical attendance between 5 and 15 people. Many of our members are retired and access to our unique flying site during the week is treasured. It has become a gathering place where we can be in the company of decade old friends, sharing stories and experiences, while enjoying our love of model aviation. On a regular basis, visitors in the park stop by to watch, often asking questions and inquiring about details of the planes and their construction. Many parents with their children are among the visitors, curious how they might get their children involved.

Our positive impact to the community of Middlesex, while not huge, is not insignificant either. For the last number of years, we have sent the town over \$500 per year in field use fees, plus a previous donation of \$3,500. We were also instrumental in obtaining a supplemental grant for close to \$90,000 for installation of the 180-ft. diameter flying circle, and an irrigation system for the soccer field.

Aside from the monetary contributions, it should be noted that model aviation has a long history of offering a gateway to major careers for our youth. Both Neil Armstrong and Burt Rutan (planes he designed are in the Smithsonian Air and Space Museum) were modelers. Neil Armstrong even wrote a letter to the Academy of Model Aeronautics in which he stated that model building and flying activities significantly contributed to his interest in aeronautics and was a primary force in directing his education toward aeronautical engineering. As noted earlier, we often have children wander over from the playground with their parents to see the models and watch them fly. They are curious and often have lots of questions to ask about the planes. Many times, this becomes a teaching moment about aviation and engines. In today's world of video and virtual gaming, it's nice to see kids' interest piqued watching the planes fly. It would be a shame to remove this unique activity from the park. As a support of local business, when we are done flying we invariably, head over to Texas Weiner for lunch. We are well-known group there. In addition, we hold our yearly brunch in the Township at Tim Kerwin's.

To wrap it up, please consider our longtime relationship with the Borough and the use of this fabulous Green Acres funded park and flying site which we give thanks for every time we are there. Without the field, there will be no club as there is no other facility like this in the State of New Jersey. Some current members of the council, or even you Mr. Mayor might remember when the soccer field in front of the school was rebuilt. Our black top flying area was demolished to make room for a temporary soccer field, which is now Field 4. There was no provision in the original grant to provide another black top area for modeling. Three representatives from our club first met with then Mayor Dobies, later with the field committee, and finally with the head of Middlesex County's Parks Department, Mr. Ralph Albiner, to discuss how to proceed to get the paved flying circle back. Mr. Albiner suggested that we have the Borough apply for a supplemental grant. The grant was awarded and provided for the current paved flying facility and an irrigation system for the soccer field. Part of the grant award was that Field 4 was to be available for the modelers to use.

As you can see, we have worked very hard to be part of the solution, not part of the problem. Please keep us in the loop. We would like to be invited to any meetings in

Middlesex Borough that have anything to do with the “change of use” of specific and dedicated areas involving Green Acres money for Mountain View Park, so that we can again serve the Borough of Middlesex in a positive manner.

With sincere thanks,

C.T. Tom Schaefer,  
President Middlesex Modelers Inc

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## **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

George Connors, Manville – discussed the letter that was sent above from the President of the Middlesex Modelers and the historical legacy of the Flying Field and members that were involved from the beginning of its existence in the 1960’s. Also, Mr. Connors discussed what the Middlesex Modelers have given back to the Community since that time.

Dennis Workhom, Garwood, New Jersey also discussed that the flying field is used by 10 – 15 people 1 – 2 days per week between the hours of 11 – 2:30 pm. Mayor DiMura requested Council’s input regarding the letter from the Middlesex Modelers and discussed with the Modelers how often they meet, the Tournaments that are held during the year, any other flying fields in the area, and the historic value of the field.

A consensus of Council was taken and they agreed to look elsewhere for space for additional soccer fields. The Council also requested that the Modelers put information on their website about this flying field, and the borough could possibly link the modeler’s website to the Borough website.

Seeing that there was further public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

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

### **Resolution #252-16**

**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. Landlocked Property – Block 318/ Lots 44 and 47

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

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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**ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
DECEMBER 27, 2016**

**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	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

Mayor DiMura added discussion on the Recreation Commission to the Agenda Workshop Items this evening.

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**PRESENTATIONS**

Attorney Clarkin gave a presentation on the proposed Lincoln Boulevard Project at 220 Lincoln Boulevard and 232 Lincoln Boulevard. Also attending the meeting was the Borough Redevelopment Attorney, Anthony Iacocca.

Attorney Clarkin gave an overview of the project and discussed the five story building which will be located on 8.1810 acres which will include retail and office on the first floor; residential on second – fifth floors and will include rooftop activity areas for each building (four at-grade courtyards). Included in this proposal will be 195 stalls of onsite parking and 110 stalls of shared parking. The residential unit breakdown will include 128 one-bedroom units (anticipated rent \$1,700), 44 one-bedroom units with den (anticipated rent \$1,750) and 44 two bedroom units (anticipated rent \$1,800). Retail space is anticipated to be \$10.00 per square foot and there will be no affordable units included. Mr. Clarkin indicated that this project will continue with the Lincoln Boulevard Redevelopment Streetscape Plan and commencement of construction should begin in the third quarter of 2017, with anticipated occupancy expected in the third quarter of 2019. The design waiver is to be finalized and the financial agreement that will be used will be a Pilot Program.



The Borough Redevelopment Attorney, Anthony Iacocca confirmed that Mr. Clarkin's proposed plan conforms to the Borough's Redevelopment Plan and based upon the Redevelopment Plan and the project presented Mr. Iacocca recommended that the borough council consider the resolution to authorize the proposed plan be sent to the Planning Board for consideration. A consensus of council was taken to adopt Resolution #254-16. Councilman Mikolajczyk expressed his concerns with the amount of parking (1.5 per apartment) and the amount of children in the school system.

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The Borough Clerk read the following resolution:

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

**Resolution #254-16**

**RESOLUTION OF THE BOROUGH OF MIDDLESEX APPROVING AND ENDORSING PROPOSED LINCOLN BOULEVARD PROJECT IN REGARDS TO REAL PROPERTY LOCATED AT 220 LINCOLN BOULEVARD (BLOCK 349, LOT 8) AND 232 LINCOLN BOULEVARD (BLOCK 349, LOT 10.01), AND LOT 6.02 IN BLOCK 349 (NO STREET FRONTAGE)**

**WHEREAS**, the Borough of Middlesex ("Borough") has been considering the redevelopment of certain real property identified as 220 Lincoln Boulevard, Block 349, Lot 8, and 232 Lincoln Boulevard, Block 349, Lot 10.01, as shown on the Borough's tax map (the "Property"); and

**WHEREAS**, Middlesex Residential Urban Renewal, LLC ("Redeveloper") has proposed to redevelop the Property by constructing a mixed use development consisting of approximately 18,500 square feet of retail space, 6,160 square feet of leasing and management space, and 216 residential apartments ("Proposed Project"); and

**WHEREAS**, the Borough Governing Body, acting as the redevelopment agency, has reviewed the presentation of the Redeveloper and its professionals, and finds that the Proposed Project is consistent with the Lincoln Boulevard Redevelopment Plan, as amended.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, that it hereby endorses and approves Redeveloper's Proposed Project and recommends that the same be forwarded to the Borough Planning Board for consideration.

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

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**APPOINTMENTS-NONE**

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS-NONE**

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## PUBLIC HEARING

The Borough Clerk read ordinance No. 1904-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### ORDINANCE NO. 1904-16

#### AN ORDINANCE OF THE BOROUGH OF MIDDLESEX AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MIDDLESEX BY ADDING A CHAPTER TO ESTABLISH STANDARDS OF ETHICAL CONDUCT FOR OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX AND ESTABLISHING THE MIDDLESEX BOROUGH ETHICAL STANDARDS BOARD

**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 adding a chapter to include the following:

#### **38-1 - Short title.**

This chapter is known and may be cited as the "Borough of Middlesex Ethics Ordinance."

#### **38-2 - Findings—Declarations.**

The Borough council finds and declares that:

- A. Public office and employment are a public trust; and
- B. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives; and
- C. Whenever the public perceives a conflict between the private interest and the public duties of a government officer or employee, that confidence is imperiled; and
- D. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and

- E. It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for Borough officers and employees are clear, consistent, uniform in their application, and enforceable on a Borough-wide basis, and to provide Borough officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.
  
- F. This Article is enacted under the authority of the Local Government Ethics Law, L. 1991, c. 29 (N.J.S.A. 40A:9-22.1), and under the further authority granted to the Borough of Middlesex under the provisions of Title 40 and 40A of the New Jersey Statutes.

### **38-3 - Definitions.**

As used in this chapter:

"Agency" means any agency, board, governing body, including the mayor and council, bureau, division, office, commission or other instrumentality within the Borough, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but does not include the school board.

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

"Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a Borough agency who is not a local officer, but does not mean any employee of the school district.

"Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization but does not include the control of assets in a non-profit entity or labor union.

"Member of immediate family" means the spouse or dependent child of a Borough officer or employee residing in the same household.

"Officer" means any person whether compensated or not, whether part-time or full-time (1) elected to any office of a Borough agency; (2) serving on a Borough agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county or regional authority; or (4) who is a managerial executive or confidential employee of a Borough agency, as defined in N.J.S.A. 34:13A-3, but does not mean any employee of a school district or member of a school board.

### **38-4 - Ethics board established.**

- A. There is established, pursuant to the provisions of Chapter 29, Laws of 1991, the Borough of Middlesex Ethics Board consisting of six members who are residents of the Borough, at least two of whom are public members. The members of the ethics board are appointed by resolution of the Borough council. The members are chosen

by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the ethics board are of the same political party.

- B. The members of the ethics board shall annually elect a chairperson from among the membership.
- C. The members shall serve for terms of five years, except that of the members initially appointed, two of the public members are appointed to serve for terms of five years, one member is appointed to serve for a term of four years, and the remaining members are appointed to serve for terms of three years. Each member shall serve until his or her successor has been appointed and qualified. Any vacancy occurring in the membership of the ethics board is filled in the same manner as the original appointment for the unexpired term.
- D. Members of the ethics board shall serve without compensation but are reimbursed by the Borough for necessary expenses incurred in the performance of their duties under this chapter.

#### **38-5 - Powers of the ethics board.**

The ethics board shall have the following powers:

- A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the code of ethics or financial disclosure requirements by local officers and employees serving the Borough;
- B. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;
- C. To forward to the county prosecutor or the attorney general or other governmental body any information concerning violations of the code of ethics or financial disclosure requirements by officers or employees serving the Borough which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the attorney general;
- D. To render advisory opinions to officers or employees serving the Borough as to whether a given set of facts and circumstances would constitute a violation of any provision of the code of ethics or financial disclosure requirements;
- E. To enforce the provisions of the code of ethics and financial disclosure requirements with regard to officers or employees serving the Borough and to impose penalties for the violation thereof as authorized by Chapter 29, P.L. 1991; and
- F. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this chapter.

### **38-6 - Support of ethics board.**

- A. The mayor and council of the Borough shall provide the ethics board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.
- B. All necessary expenses incurred by the ethics board and its members are paid, upon certification of the chairperson, by the Borough treasurer, within the limit of funds appropriated by the mayor and council for those purposes. Notwithstanding this provision, no expense exceeding \$500.00 shall be incurred without prior approval of the Governing Body of the Borough of Middlesex.
- C. The ethics board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this chapter within the limits of funds appropriated by the mayor and council for those purposes.

### **38-7 - Code of ethics established.**

- A. The ethics board shall promulgate a code of ethics for all local government officers and employees serving the Borough. Local government officers and employees serving the Middlesex parking authority and the housing authority of the Borough is deemed to be serving the Borough for purposes of this chapter.  
The Borough code of ethics so promulgated is either identical to the provisions set forth in Section 5 of Chapter 29, P.L. 1991 or more restrictive, but not less restrictive.
- B. Within fifteen (15) days following the promulgation thereof, the Borough code of ethics, and a notice of the date of the public hearing to be held thereon, are published in at least one newspaper circulating within the Borough and distributed to the Borough clerk and to the heads of the local government agencies serving the Borough for circulation among the local government officers and employees serving the Borough. The Borough ethics board holds a public hearing on the Borough code of ethics not less than thirty (30) days following its promulgation at which any local government officer or employee serving the Borough and any other person wishing to be heard are permitted to testify. As a result of the hearing, the ethics board may amend or supplement the Borough code of ethics as it deems necessary.
- C. If the Borough code of ethics is not identical to the provisions set forth in Section 5 of Chapter 29, P.L. 1991, the Borough ethics board shall thereafter submit the Borough code of ethics to the local finance board for approval. If the board fails to act within sixty (60) days following receipt of the code, the Borough code of ethics is deemed approved. A Borough code of ethics requiring board approval takes effect for all local government officers and employees serving the Borough sixty (60) days after approval by the board.
- D. A Borough code of ethics identical to the provisions set forth in Section 5 of Chapter 29, P.L. 1991, takes effect ten (10) days after the public hearing held thereon.

- E. The Borough ethics board shall forward a copy of the Borough code of ethics to the Borough clerk and shall make copies of the Borough code of ethics available to local government officers and employees serving the Borough.

**38-8 - Annual financial disclosure statement.**

- A. Borough Officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this section include the following information which specifies, where applicable, the name and address of each source and the officer's job title:

1. Each source of income, earned or unearned, exceeding two thousand dollars (\$2,000.00) received by the Borough officer or a member of his or her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the Borough officer or member of his or her immediate family has interest in the business organization; and
2. Each source of fees and honorariums having an aggregate amount exceeding two hundred fifty dollars (\$250.00) from any single source for personal appearances, speeches or writings received by the Borough officer or a member of his or her immediate family during the preceding calendar year; and
3. Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding four hundred dollars (\$400.00) from any single source excluding relative, received by the Borough officer or a member of his or her immediate family during the preceding calendar year; and
4. The name and address of all business organizations in which the Borough officer or a member of his or her immediate family has an interest during the preceding calendar year; and
5. The address and brief description of all real property in the state in which the Borough officer or a member of his or her immediate family held an interest during the preceding calendar year.

The following disclosures in addition to those contained in subsections (A)(1) through (A)(5) above are required annually of local government officers and employees involved in development, redevelopment or property acquisition, as listed hereafter, and housing inspectors.

6. The address and brief description of all real property in the Borough in which (a) the local government officer or a member of his or her immediate family, or (b) any business organization required to be disclosed pursuant to subsection (A)(4) above, held an interest during the preceding calendar year.

The information required by subsection (A)(6) to be disclosed by persons described in subsection (A) above, is disclosed in the annual disclosure statement provided that within thirty (30) days of acquiring an interest in property, the person fulfills this

requirement either by filing a disclosure statement for the preceding year listing the property, if not previously disclosed, or by filing a supplement to the previously filed disclosure statement. This disclosure requirement shall not apply to residential real property owned and actually occupied by the person as his or her principal residence.

As used in this section, "local government officer or employee involved in development, redevelopment or property acquisition" means and includes: mayor, members of council, Borough administrator, Borough attorney, assistant Borough attorneys, Director of the Department of Finance, Director of the Department of Inspections, Construction Official, Fire Sub code Official, Plumbing Sub code Official, Electrical Sub code Official, Director of the Department of Public Works, Director of the Department of Recreation, Chief of Police, Captain of the Police Department, Lieutenant of the Police Department, Tax Assessor, Borough Clerk, Deputy Borough Clerk, Borough Engineer, Borough Planning Consultant, Borough Auditor, Municipal Judge, Borough Prosecutor, Borough Public Defender, zoning administrative officer, planning board members, zoning board of adjustment members, planning board attorney, zoning board of adjustment attorney, all commissioners, Fire Chief, Library Board of Trustees member, Director of the Middlesex Public Library, or any other person who is a managerial executive or confidential employee, as defined in Section 3, N.J.S.A. 34:13A-3, of the Borough of Middlesex or of any agency created under the authority of or appointed by the Borough of Middlesex.

- B. On receipt from the local finance board of the financial disclosure statement form prescribed by it for persons required by N.J.S.A. 40A:9-22 to file disclosure statements the clerk shall furnish same to the persons required to file. At the same time, the clerk shall deliver to those persons required by this section, but not by N.J.S.A. 40A:9-22, to file local disclosure statements, a copy of the local financial disclosure form, which form contains designated space for furnishing the required information.
- C. All persons required to file annual disclosure statements file the same with the Borough clerk. A copy of the statement of all persons required to be filed by N.J.S.A. 40A:9-22 is furnished by the Borough clerk (1) to the local finance board, and (2) to the Borough's ethics board. Borough Officers shall file initial financial disclosure statements by the earlier of (1) ninety (90) days following the effective date of Chapter 29 P.L. 1991, or (2) thirty (30) days following the effective date of this Ordinance. Thereafter statements are filed on or before April 30th of each year.  
A copy of the local disclosure form required only by subsection (A) of this section is filed with the Borough clerk and a copy thereof is furnished to the Borough's ethics board.
- D. All financial disclosure statements filed are public records.

### **38-9 - Request for advisory opinion authorized.**

An officer or employee serving the Borough may request and obtain from the ethics board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the code of ethics or any financial disclosure requirements. Advisory opinions of the ethics board is not made public except when the ethics board by the vote of two-thirds of all its members directs that the opinion be made public. Public advisory opinions shall not



disclose the name of the Borough officer or employee unless the ethics board in directing that the opinion be made public so determines.

**38-10 - Ethics complaint—Procedures—Penalties and sanctions.**

- A. The ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee serving the Borough is in conflict with the code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within thirty (30) days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.
- B. The ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.
- C. If the ethics board concludes that the complaint is outside its jurisdiction, frivolous or without factual basis, it reduces that conclusion to writing and transmits a copy thereof to the complainant and to the officer or employee against whom the complaint was filed. Otherwise the ethics board shall notify the officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the ethics board with any statement or information concerning the complaint which he or she wishes.
- D. If the ethics board determines that a reasonable doubt exists as to whether the officer or employee is in conflict with the Borough's code of ethics or any financial disclosure requirements, it conducts a hearing in the manner prescribed by Section 38-11 concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the officer or employee.
- E. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the code of ethics or any financial disclosure requirement. This decision is made by no less than two-thirds of all members of the ethics board.
- F. If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitation of Section 10 of Chapter 29, P.L. 1991. A final decision of the ethics board may be appealed to the local finance board within thirty (30) days of the decision.
- G. A finding by the ethics board that an appointed local government officer or employee is guilty of the violation of the provisions of this chapter, or of any code of ethics in effect pursuant to this chapter, is sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is charged with violating the provisions of this chapter or any code of ethics in effect pursuant to this chapter, the procedure leading to removal, suspension, demotion or other disciplinary action is governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.



### **38-11 – Ethical standards.**

Officers and employees of the Borough of Middlesex shall comply with the following provisions:

- A. No officer or employee of the Borough of Middlesex or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction or professional activity which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- B. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or others.
- C. No officer or employee shall act in his or her official capacity in any matter where he, a member of his or her immediate family or any business organization in which he or she has an interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment.
- D. No officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.
- E. No officer or employee, member of his or her immediate family or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties.
- F. No officer or employee shall use or allow to be used his or her public office or employment or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her office or employment for the purpose of securing financial gain for himself, any member of his or her immediate family or any business organization with which he or she is associated.
- G. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the Borough in connection with any cause, proceeding, application or other matter pending before any agency of the Borough of Middlesex. This provision shall not be deemed to prohibit an employee from representing another employee where the representation is within the context of official labor union or

similar representation responsibilities, nor shall this provision be applicable to the Borough Public Defender with respect to representation of defendants in the Municipal Court.

- H. No officer shall be deemed in conflict with these provisions if, by reason or his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his or her immediate family, whether directly or indirectly, in return therefor.
- J. Nothing shall prohibit any officer or employee of the Borough of Middlesex or members of his or her immediate family from representing himself, herself or themselves in negotiations or proceedings concerning his, her or their own interests.
- K. No officer or employee elected or appointed in the Borough shall, without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or government affairs of the Borough.
- L. No officer or employee shall approve or disapprove or in any way recommend the payment of any bill, voucher or indebtedness owed or allegedly owed by the Borough in which he has a direct or indirect personal, pecuniary or private interest.
- M. No officer or employee elected or appointed in the Borough shall request, use or permit the use of any public property, vehicle, equipment, labor or service for personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

### **38-12 - Conduct of hearings.**

All hearings required pursuant to this chapter are conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a state agency in contested cases under the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.).

### **38-13 - Records to be preserved.**

All statements, complaints, requests or other written materials filed pursuant to this chapter, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this act are preserved for a period of at least five years from the date of filing or preparation; as the case may be.

**38-14 – Enforcement; violations and penalties.**

- A. An appointed officer or employee of the Borough of Middlesex found guilty by the Middlesex Borough Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1.[1] The Middlesex Borough Ethical Standards Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.

(1) Editor's Note: See now N.J.S.A. 2A:58-10 et seq.

- B. An elected officer or employee of the Borough of Middlesex found guilty by the Middlesex Borough Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1).[2]

[2] Editor's Note: See now N.J.S.A. 2A:58-10 et seq.

- C. The findings by the Middlesex Borough Ethical Standards Board that an appointed officer or employee of the Borough of Middlesex is guilty of the violation of the provisions of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is found to have violated the provisions of this chapter or any in effect pursuant to this chapter, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures in Title 11A of the New Jersey Statutes Annotated and the rules promulgated pursuant thereto.

**SECTION TWO.** This ordinance shall take effect after passage and publication as provided by law.

Councilman Madden stated that he had concerns with Section 38-5 D, E and F regarding the (Powers of the Ethics Board) and Paragraph 38-9 (Request for Advisory Opinion Authorized) and 38-11 (Ethical Standards) of this ordinance. Councilman Madden's primary concerns were regarding any conflict of interest with a local business owner in the borough becoming involved with local government, and would like to see an amendment to the language. Attorney Aithal indicated that in order for the borough to have an Ethics Board they must mirror the state statute

and cannot loosen the restrictions of the state statute. Mayor DiMura indicated that if Councilman Madden had a concern about a potential ethical issue, he should bring the issue to the borough attorney to review.

Mayor DiMura opened the Public Hearing on Ordinance No. 1904-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance No. 1904-16.

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

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The Borough Clerk read ordinance No. 1905-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

## **ORDINANCE NO. 1905-16**

### **AN ORDINANCE OF THE BOROUGH OF MIDDLESEX AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MIDDLESEX BY ADDING A CHAPTER TO ESTABLISH CHAPTER 93 – PARKS AND RECREATION COMMITTEE**

**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 adding a chapter to include the following:

#### **93-1 - Establishment.**

There is hereby established in the Borough of Middlesex a parks and recreation committee, which shall have the duties and powers hereinafter more particularly set forth, and the members of which shall be appointed by the Mayor with the advice and consent of Council in accordance with the provisions of this chapter.

#### **93-2 - Membership; terms; liaison; filling of vacancies.**

A.

The parks and recreation committee shall be composed of seven members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. Such members and alternate members shall be appointed by the Mayor to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner: two members for initial one-year terms; two members for initial two-year terms; three members for initial

three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term. After the conclusion of the initial terms as herein provided, all terms shall be for three years. The Mayor shall designate the alternate members as "alternate no. 1", and alternate no. 2". At meetings of the parks and recreation committee, alternate members shall be permitted to participate in discussion of the proceedings, but shall not be permitted to vote except in the absence or disqualification of one or more regular members, in which event, alternate members shall be permitted to vote in lieu of such absent or disqualified regular members in the order of numerical designation of such members.

B.

In addition to the aforementioned members, the Mayor shall appoint a member of the Borough Council to serve as a liaison to the recreation committee each year, who shall be permitted to participate in discussions of the proceedings of the committee, but who shall not be permitted to vote. Such members of the Borough Council shall serve a one-year term.

C.

All appointments shall expire on December 31. Initial appointments as above provided, shall be made for the balance of the one-, two- or three-year term designated, ending on December 31 of the applicable year.

D.

Vacancies shall be filled by the Mayor for the unexpired term only. The members shall serve until their respective successors are appointed, found qualified, and take office.

### **93-3 - Relation to the Borough committee.**

A.

The Borough Council shall cooperate with the recreation committee to coordinate and provide equipment for recreational activities, as well as to coordinate the development, operation and maintenance of parks, public places, playgrounds, and recreational areas, in the Borough of Middlesex, in order to provide for the maximum benefit and planned development for the residents of the Borough of Middlesex.

B.

The Borough Council may, from time to time, by resolution, place activities, parks, public places, playgrounds and recreational areas under the jurisdiction of the parks and recreation committee for development, operation or maintenance thereof, or for such purposes as may be specified in any such resolution. The Borough shall continue to be responsible for the care, custody and policing of any such parks, public places, playgrounds and recreational areas, which, from time to time, may be placed under the jurisdiction of the parks and recreation committee, unless such responsibilities or any others shall be specifically assigned in any such resolution.

C.

The parks and recreation committee herein established shall not be deemed to be a park or recreation commission pursuant to N.J.S.A. 40:12-1 et seq., but such parks and recreation committee shall have only those powers and duties as may be set forth herein or as may be more particularly provided by resolution of the Borough Council.

D.

There shall be no appropriation of public funds to the parks and recreation committee, except as may be provided by the Borough Council for designated purposes consistent with the intent of this chapter. The parks and recreation committee shall recommend to the Borough Council proposals, from time to time, as may be consistent herewith.

E.

The Borough shall obtain liability insurance coverage covering the approved activities under the jurisdiction of the parks and recreation committee, the participants in those activities, the Borough of Middlesex and individual members of the parks and recreation committee.

F.

Neither the parks and recreation committee nor any member or members thereof shall have any power or right, express or implied, to bind or obligate the Borough of Middlesex or the Borough committee, directly or indirectly.

### **93-4 - Duties.**

The primary purpose of the parks and recreation committee shall be to:

A.

Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.

B.

Provide recommendations for the orderly development of parks or other public lands in the Borough of Middlesex.

C.

Cooperate with the Middlesex County Department of Parks and Recreation in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County Department of Parks and Recreation.

D.

Suggest improvements needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.

E.

Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.

F.

Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the parks and recreation committee and the provisions of this chapter and subject to the limitations contained herein.

### **93-5 - Limitations.**

The parks and recreation committee shall not act in any manner which would cause a forfeiture of any lands of the Borough of Middlesex. The Borough reserves the right to limit the jurisdiction, purposes or programs of the parks and recreation committee at any time by resolution of the Borough Council.

### **93-6 - Organization.**

The parks and recreation committee may organize as it sees fit, choosing a chairperson and such other officers from among its members as it may deem advisable, adopt rules and bylaws for the orderly conduct of Meetings, and organize sub-committees for the administration and handling of its programs.

Members shall attend one-half of all public meetings in each calendar year and shall not be absent from three consecutive regularly scheduled meetings. The committee shall petition the Borough Council for removal and replacement of any member with attendance below this standard.

### **93-7 – Recreation Director.**

The Recreation Director appointed by the Mayor shall serve as a voting member of the parks and recreation committee.

### **93-8 - Grievance procedure; appeals.**

A.

Any recognized recreational group who feels or believes it is aggrieved by any of the actions of the Recreation Director shall have the right to appeal any of the Recreation Director's actions and/or recommendations in the first instance to the Borough Administrator. Said appeal shall be filed not later than ten (10) days from the date of any action or recommendation taken by the Recreation Director and shall be in writing to the Borough Administrator.

B.

The Borough Administrator shall thereafter set the matter down for a hearing and consider the testimony of witnesses and other evidence to be presented and at the conclusion of which the Borough Administrator shall render a decision as soon as is practicable.

C.

Any party may appeal in the final instance the decision of the Borough administrator to the Borough Council, within five days of the Borough administrator's decision in writing to the Borough clerk.

**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 replace Chapter 92, which is hereby repealed upon final passage and publication of this ordinance according to law.

**SECTION SIX.** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Mayor DiMura opened the Public Hearing on Ordinance No. 1905-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance No. 1905-16.

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

Mayor DiMura stated that in January the Council will be passing two resolutions which will move forward with the existing bylaws that the Recreation has now and also pass a resolution to have the Recreation trust account continue to be set up the way it is with the designated line items.

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#### **ADOPTION OF MINUTES**

Councilman Kaplan moved to approve the December 13, 2016 Regular Meeting Minutes seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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#### **REPORTS**

Mayor DiMura reported that he read an article about the actions of the Middlesex County Tax Board and it says that they are forcing Middlesex Borough to do a revaluation as of 2019. The Mayor stated that we have sent our Tax Assessor down to speak with the President of the Board and there was an agreement to do a revaluation in 2021. The Mayor has a meeting at the County on Thursday to discuss the revaluation date of 2019 and the plan that had been made with our tax assessor, as this revaluation will cost the Borough residents between \$600,000 - \$700,000 to complete. Mayor DiMura indicated that he will update the status of this meeting with the Tax Board at the January 10, 2017 Regular Meeting.

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#### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report.



3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Kaplan had nothing to report.
  4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
  5. Police/Legal/Code Enforcement/Construction/Municipal Court
    1. Councilman Madden made a motion to approve the November, 2016 Police Department Monthly Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
    2. Councilman Mikolajczyk recognized Council President Kaplan for his service, as he was a member of the Police Committee, and his input was appreciated.
  6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had 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 2016(Z)**

**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 #264-16, #265-16, #266-16 and #270-16 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 #255-16 – Resolution #263-16  
Resolution #267-16 – Resolution #269-16  
Resolution #271-16  
Resolution #274-16

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

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The Borough Clerk read the following resolution:

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

**Resolution #255-16**

The Disbursing Officers be and they are hereby authorized to pay, on a monthly basis, premium for Borough employees' insurance coverage as it is due in 2017.

---

The Borough Clerk read the following resolution:

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

**Resolution #256-16**

The Disbursing Officers be and are hereby authorized to draw a check in the amount of \$100.00 for reimbursement of the Clerk's petty cash fund and \$100.00 for the Police Department, and \$100.00 for the Recreation Department for 2016.

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The Borough Clerk read the following resolution:

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

**Resolution #257-16**

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

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

The Borough Clerk read the following resolution:

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

**Resolution #258-16**

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

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The Borough Clerk read the following resolution:

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

**Resolution #259-16**

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

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

1. The Borough Treasurer is hereby authorized to invest and re-invest borough funds.
2. This resolution shall take effect for the year 2017.

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The Borough Clerk read the following resolution:

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

**Resolution #260-16**

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

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

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

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

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

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

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The Borough Clerk read the following resolution:

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

**Resolution #261-16**

**BOROUGH OF MIDDLESEX  
COUNTY OF MIDDLESEX**

**Authorizing the Filing and Settlement of Tax Appeals**

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

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

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

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

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

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

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

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The Borough Clerk read the following resolution:

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

**Resolution #262-16**

The Disbursing Officers be and they are hereby authorized to pay on a prorated basis monies due to the Library Board of Trustees as was set up in the 2016 Budget until the 2017 Budget is adopted.

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The Borough Clerk read the following resolution:

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

**Resolution #263-16**

“A RESOLUTION TO PROVIDE FOR A TEMPORARY BUDGET FOR PAYMENT OF CLAIMS UNTIL THE ADOPTION OF THE 2017 BUDGET

A Temporary Budget in the amount of \$ 7,928,100.70 to provide for the payment of claims and salaries including debt service payments between the first day of January 2017 and the adoption of the 2017 budget to be set up as follows:

**GENERAL GOVERNMENT OPERATIONS:**

**Mayor & Council**

Salary & Wage	\$3,000.00
Other Expenses	\$2,500.00

**Administrator**

Salary & Wage	\$30,000.00
Other Expenses	\$2,000.00

**Municipal Clerk**

Salary & Wage	\$45,000.00
Other Expenses	\$5,000.00

<b>Rescue Squad Rental</b>	\$2,400.00
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<b>Printing &amp; Advertising</b>	\$5,000.00
<b>Postage</b>	\$10,000.00
<b>Assessment of Taxes</b>	
Salary & Wage	\$4,000.00
Other Expenses	\$1,200.00
<b>Collection of Taxes</b>	
Salary & Wage	\$18,300.00
Other Expenses	\$3,000.00
<b>Financial Administration</b>	
Salary & Wage	\$28,000.00
Other Expenses	\$11,000.00
<b>Legal Services</b>	\$30,000.00
<b>Engineering Services</b>	\$15,000.00
<b>Environmental Services</b>	\$10,000.00
<b>Public Buildings &amp; Grounds</b>	\$30,000.00
<b>Computer Data Services</b>	
Salary & Wage	\$22,000.00
Other Expenses	\$60,000.00
<b>Planning Board</b>	
Salary & Wage	\$1,500.00
Other Expenses	\$5,000.00

**Zoning Board**

Salary & Wage	\$1,500.00
Other Expenses	\$2,000.00

**Code Enforcement**

Salary & Wage	\$15,000.00
Other Expenses	\$4,000.00

**Shade Tree Commission**

Salary & Wage	\$700.00
Other Expenses	\$10,000.00

**Board of Health**

Salary & Wage	\$750.00
Other Expenses	\$20,000.00

**Housing & Community Development**

Salary & Wage	\$375.00
Other Expenses	\$25.00

**Insurances**

Group Insurance Plan	\$700,000.00
Workers Compensation	\$100,000.00
Temporary Disability	\$10,000.00
Long Term Disability	\$7,500.00
Other Insurances	\$125,000.00

**PUBLIC SAFETY:**

**Fire Department**

Other Expenses \$30,000.00

**Police Department**

Salary & Wage \$900,000.00

Other Expenses \$50,000.00

**Juvenile Conference Committee**

Salary & Wage \$560.00

**Emergency Management**

Other Expenses \$4,000.00

**Road Repair & Maintenance**

Salary & Wage \$150,000.00

Other Expenses \$35,000.00

**Sewer Systems**

Salary & Wage \$0.00

Other Expenses \$12,000.00

**Solid Waste Management**

Salary & Wage \$45,000.00

**Garbage Removal**

Salary & Wage \$80,000.00

Other Expenses \$20,000.00



**Sanitary Landfill** \$75,000.00

**Prosecutor's Office** \$7,000.00

**RECREATION & EDUCATION:**

**Parks & Playgrounds**

Salary & Wage \$60,000.00

Other Expenses \$20,000.00

**Board of Recreation**

Salary & Wage \$25,000.00

Other Expenses \$12,000.00

**Senior Citizen Bus Transportation** \$2,000.00

**Senior Coordinator**

Salary & Wage \$10,000.00

Other Expenses \$2,500.00

**Title III Clerk** \$8,000.00

**Uniform Construction Code**

Salary & Wage \$50,000.00

Other Expenses \$4,000.00

**Utilities**

Gasoline \$50,000.00

Fuel Oil \$40,000.00

Electricity	\$50,000.00
Telephone	\$15,000.00
Natural Gas	\$10,000.00
Street Lighting	\$50,000.00
Fire Hydrants	\$60,000.00
Water	\$5,000.00

**Municipal Court**

Salary & Wage	\$50,000.00
Other Expenses	\$6,000.00

<b>Celebration of Public Events</b>	\$10,000.00
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<b>County Curbside Recycling</b>	\$28,000.00
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<b>Animal Control</b>	\$7,000.00
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**STATUTORY EXPENDITURES:**

<b>PERS</b>	\$327,004.00
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<b>DCRP CoMatch</b>	\$1,500.00
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<b>PFRS</b>	\$701,362.00
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<b>Social Security</b>	\$70,000.00
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<b>Pension - Fireman's Widow (NJSA 43:12-28.1)</b>	\$5,000.00
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<b>TOTAL</b>	<b>\$4,428,676.00</b>
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26.25% of the 2016 General Appropriation in

the Budget = \$4,895,586.08

**Older Americans**

Senior Transportation Salary \$6,000.00

**Stormwater Management**

Salary & Wage \$286,664.00

Other Expenses \$3,000.00

**Maintenance of Free Public Library** \$150,000.00

**Middlesex County Utility Authority** \$500,000.00

**Piscataway Sewerage Authority** \$15,000.00

**Municipal Debt Service**

Bond Principal \$1,070,000.00

Bond Interest \$291,731.26

Green Acres Loan \$23,890.58

Infrastructure Principal & Interest \$109,453.96

MCIA Loan - Fire Truck \$69,893.04

MCIA Loan - Multi Purpose \$893,791.86

**TOTAL** **\$7,848,100.70**

**DEDICATED SWIMMING POOL UTILITY**

**Swim Pool Utility**

Salary & Wage \$20,000.00

Other Expenses \$60,000.00

**TOTAL \$80,000.00**

26.25% of the 2016 Swimming Pool Utility

Appropriation = \$134,857.82

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The Borough Clerk read the following resolution:

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

**Resolution #264-16**

Denise Biancamano be and is hereby appointed Official Tax Search Officer for the Borough of Middlesex for the year 2017.

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

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The Borough Clerk read the following resolution:

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

**Resolution #265-16**

Kathleen Anello be and is hereby appointed Official Assessment Search Officer for the Borough of Middlesex for the year 2017.

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

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The Borough Clerk read the following resolution:

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

**Resolution #266-16**

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

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

1. Caroline Benson hereby is appointed PACO Officer for the Borough of Middlesex for the year 2017.
2. This resolution shall take effect immediately.

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

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The Borough Clerk read the following resolution:

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

**RESOLUTION #267-16**

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

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

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

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

Pursuant to N.J.S.A. 54:4-67, which is the New Jersey statute defining a tax delinquency, the Governing Body of the Borough of Middlesex does hereby fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay the delinquency prior to the end of the calendar year 2016 and the penalty so fixed shall be six (6%) of the amount of the yearly delinquency.

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The Borough Clerk read the following resolution:

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

### **Resolution #268-16**

In compliance with the "Open Public Meeting Law" P.L. 1975 C231, the following schedule is set for the meetings of Mayor and Council for the year 2017:

January 1, 10, 24	July 11, 25
February 14, 28	August 8, 22
March 14, 28	September 12, 26
April 11, 25	October 10, 24
May 9, 23	November 21
June 13, 27	December 12, 26

Regular Meetings commence at 7:00 p.m.

Action may be taken at any meeting above.

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The Borough Clerk read the following resolution:

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

### **Resolution #269-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$22.00 to record tax sale certificates acquired at the December 14, 2016 tax sale. The check should be made payable to:

Middlesex County Clerk  
P O Box 1110  
New Brunswick, NJ 08903-1110

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The Borough Clerk read the following resolution:

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

### **Resolution #270-16**

The governing body agrees to waive the Fire Permit fee and Electric Permit fee for the repairs to the electrical panel and Fire Alarm System for Lincoln Hose Co.

Councilman Schueler made a motion to amend this resolution to include "fee" seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. Nos: None. Abstain: None.

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

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The Borough Clerk read the following resolution:

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

**Resolution #271-16**

The Treasurer hereby authorizes the transfer of funds for the Current Budget of 2016:

<b>Department</b>	<b>From</b>	<b>To</b>
Group Insurance	\$126,000.00	
Police Overtime	\$41,026.05	
Piscataway Sewer		\$167,026.05
Police S/W Regular	\$20,000.00	
Engineering		\$20,000.00

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The Borough Clerk read the following resolution:

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

**Resolution #274-16**

The tax collector is hereby authorized to cancel Certificate of Sale # 16-0003, on Block 161, Lot 19.01, 228 Fairview Avenue purchased on 12/14/16 and refund the amount of \$365.00. The Special Charges on this property were included in error in the 2016 tax sale. Check should be made payable to:

Pro Cap 5, LLC  
1000 Haddonfield-Berlin Rd  
Suite 203  
Voorhees, NJ 08043

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The Borough Clerk read the following resolution:

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

**Resolution #272-16**

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

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the Meeting for any public participation.

Rich Thomasey, 109 Greene Avenue stated that he listened to the attorney request a PILOT for the new development and questioned the reason for the request. Mayor indicated that the PILOT affects financing on the project, as the banks need to know what their total costs and debt service will be as part of their approval, but you should ask the developer this question. Mr. Thomasey stated to Council that with the PILOT program for 150 Lincoln Boulevard the school will not receive any money, and under regular taxation they would be receiving \$7,638,000 million. Mr. Thomasey feels that this is a windfall for the developer and does not agree that the PILOT program is in the best interest of our town and would like council to look at this down the road and see how much money it is costing us.

Dave Oliver, 216 Ashland Road, the representative for the Middlesex Board of Education questioned the difference of 44 2-bedroom apartments and 44 1-bedroom apartments with den, as he feels that this could turn into 88 units with 2 bedrooms and more space for children. Mr. Oliver also questioned the amount of children that are living at the 150 Lincoln Boulevard apartments. Mayor DiMura indicated that from what he understands in talking to the developer there were 6 children of school age. Mr. Oliver mentioned that part of the planning for whether we go out for a referendum is that we have to do a demographic study to determine that we do not have a tremendous increase in students. Mr. Oliver stated that on January 23 a citizen's committee will make a presentation to the Board of Education about the various options for the schools and will be making their suggestions. Mr. Oliver felt that once that recommendation is made and the Board of Education decides whether it will go forth with a referendum, he would like to have a joint meeting with the entire council and Board of Education so that they can all be on the same team, as he feels that they will need the support of the Mayor and Council to pass the referendum.

Betty Platten, 4 Hooker Street thanked Council President Kaplan and Councilman Greco for their service on the Council.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

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## DISCUSSION ON AGENDA WORKSHOP ITEMS-NONE

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The Borough Clerk read the following resolution:

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

### **Resolution #273-16**

**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. 2017 Contract with GovPilot

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

### **ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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### **ADJOURNMENT**

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk