



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Kathleen Anello
732-356-7400 x236
www.middlesexboro-nj.gov

Tuesday, May 8, 2018

7:00 PM

Municipal Building

1. **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 an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.
2. **SALUTE TO FLAG**
3. **ROLL CALL**

Attendee Name	Present	Absent	Late	Arrived
Council Member Kevin Dotey	☐	☐	☐	
Council Member Dan Parenti	☐	☐	☐	
Council Member Sean Kaplan	☐	☐	☐	
Council Member John Madden	☐	☐	☐	
Council President Robert Schueler	☐	☐	☐	
Council Member Jack Mikolajczyk	☐	☐	☐	
Mayor Ron DiMura	☐	☐	☐	
Administrator Brandon Goldberg	☐	☐	☐	
Attorney Aravind Aithal	☐	☐	☐	

4. **PRESENTATIONS**
5. **APPOINTMENTS**
 1. Accept the resignation of Ed Johnson from the Ethics Board
6. **PROCLAMATIONS**
7. **ORDINANCE(S) FOR INTRODUCTION**
8. **ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**
9. **ADOPTION OF MINUTES**
 1. Approval of the April 24, 2018 Regular & Executive Session Meeting Minutes & the May 1, 2018 Special & Executive Session Meeting Minutes
10. **MAYOR'S REPORT**
 1. Citizen's Donation - Police Bicycle
11. **REPORTS - STANDING COMMITTEES**

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Fire/OEM/Rescue Squad
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
6. Administration/Department of Senior Services/Legislation/Licensing

12. PRIVILEGE OF THE FLOOR

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

- 13. NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS:** Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. **Resolution 123-2018** Authorizing the Tax Collector to Redeem Tax Sale Certificate #15-01847 in the amount of \$57,888.69 and the Tax Sale Premium in the amount of \$39,000.00 for Block 242, Lot 9
2. **Resolution 124-2018** Releasing the Performance Bond to Reivax Contracting Corp. for Warrenton Road Improvements Project
3. **Resolution 125-2018** The Tax Collector is authorized to Redeem Tax Sale Certificate #16-00052 in the amount of \$6,000 and Tax Sale Premium for Block 239.02, Lot 1.02
4. **Resolution 126-2018** Declaring Fire Department Turnout Gear and Fire Department Equipment Surplus
5. **Resolution 127-2018** The Governing Body accepts the donation of a New Bicycle valued at \$1,931.88 for the Police Department
6. **Resolution 128-2018** Execution of Contract with Garden State Fireworks, Inc. for Firework Display at the Community Day in the amount of \$25,000.00
7. **Resolution 129-2018** Award of Bid for 2015 Road Improvements - South Avenue to Lucas Construction Group in the amount of \$2,249,942.00
8. **Resolution 132-2018** Approval of the Recycle Tonnage Grant Application

- 14. 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.

1. **Resolution 130-2018** Pay All Claims
2. **Resolution 131-2018** Executive Session

15. AGENDA WORKSHOP ITEM

1. Amusement License Fees
2. Liquor License Fees
3. Sewer Bid
4. Surplus Police Cars to the Fire Police

16. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

17. EXECUTIVE SESSION

1. Sampling Plant - Block 318, Lot 1.01 & Block 318, Lot 43

18. ADJOURNMENT

1. The next Regular Meeting will be May 22, 2018

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #123-2018

AUTHORIZING THE TAX COLLECTOR TO REDEEM TAX SALE CERTIFICATE #15-01847 IN THE AMOUNT OF \$57,888.69 AND THE TAX SALE PREMIUM IN THE AMOUNT OF \$39,000.00 FOR BLOCK 242, LOT 9

The Tax Collector is hereby authorized to issue a check in the amount of \$57,888.69 to redeem Tax Sale Certificate #15-01847 and a check in the amount of \$39,000.00 for a Tax Sale Premium, Block 242 Lot 9, 110 South Lincoln Avenue. Check is made payable to:

MTAG as Cust for Alterna
PO Box 54967
New Orleans, LA 70154

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #124-2018

**RELEASING THE PERFORMANCE BOND TO REIVAX CONTRACTING CORP.
FOR WARRENVILLE ROAD IMPROVEMENTS PROJECT**

WHEREAS, final payment to Reivax Contracting Corp. has been submitted for the Warrentville Road Improvements Project; and

WHEREAS, Remington & Vernick Engineers has reviewed all documents and is recommending release of the Performance Bond;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey in accordance with NJAC 40:55D-53c. (1) of the Municipal Land Use Law, and by recommendation of the Borough Engineer, the governing body, hereby agrees to release the performance bond for the Warrentville Road Improvements Project to Reivax Contracting Corp.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #125-2018

**THE TAX COLLECTOR IS AUTHORIZED TO REDEEM TAX SALE CERTIFICATE
#16-00052 IN THE AMOUNT OF \$6,000 AND TAX SALE PREMIUM FOR BLOCK
239.02, LOT 1.02**

The Tax Collector is hereby authorized to issue a check in the amount of \$16,992.08 to redeem Tax Sale Certificate #16-00052 and a check in the amount of \$6,000.00 for a Tax Sale Premium, Block 239.02, Lot 1.02, 100 Cindy Ct. Check is made payable to:

US Bank Cust for PC 7 First Trust
50 South 16th St. Ste 2050
Philadelphia, PA 19102

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #126-2018

DECLARING FIRE DEPARTMENT TURNOUT GEAR AND FIRE DEPARTMENT EQUIPMENT SURPLUS

At the recommendation of the Fire Chief, the Governing Body hereby declares the following items surplus:

Turnout Gear - Pants (16), Jackets (27), Helmets (2), & Pair Boots (4)
Equipment - Light bars (4)

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #127-2018

**THE GOVERNING BODY ACCEPTS THE DONATION OF A NEW BICYCLE VALUED
AT \$1,931.88 FOR THE POLICE DEPARTMENT**

The Governing Body hereby accepts the donation of a new bicycle valued at \$1,931.88 for the Police Department.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #128-2018

**EXECUTION OF CONTRACT WITH GARDEN STATE FIREWORKS, INC. FOR
FIREWORK DISPLAY AT THE COMMUNITY DAY IN THE AMOUNT OF \$25,000.00**

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 21, 2018 in the amount of \$25,000.

The Treasurer certifies funds in the amount of \$25,000 are available in Account No. 8-01-30-420-001-138.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #129-2018

AWARD OF BID FOR 2015 ROAD IMPROVEMENTS - SOUTH AVENUE TO LUCAS CONSTRUCTION GROUP IN THE AMOUNT OF \$2,249,942.00

WHEREAS, three (3) bids were received on April 25, 2018, for the 2015 Road Improvements - South Avenue; and

WHEREAS, the following bids listed below were received for this project:

- | | |
|---|--------------------------|
| 1) Lucas Construction Group
Red Bank, NJ | Base Bid: \$2,249,942.00 |
| 2) Reivax Contracting
Newark, NJ | Base Bid: \$2,261,188.00 |
| 3) Black Rock Enterprises, LLC
Englishtown, NJ | Base Bid: \$2,817,388.75 |

WHEREAS, the Borough Engineer, Remington & Vernick Engineers, recommends awarding the bid to Lucas Construction Group in the total bid amount of \$2,249,942.00 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 that:

1. At the recommendation of the Borough Engineer, the Mayor and governing body hereby awards the bid for the 2015 Road Improvements - South Avenue to Lucas Construction Group in the amount of \$2,249,942.00 contingent upon the Borough Attorney's review and availability of funds from Piscataway Township for this project.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the amount of \$339,030.94 in account number C-04-17-909-000-050.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #132-2018

APPROVAL OF THE RECYCLE TONNAGE GRANT APPLICATION

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 **2017 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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #130-2018

PAY ALL CLAIMS

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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #131-2018

EXECUTIVE SESSION

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. Sampling Plant - Block 318, Lot 1.01 & Block 318, Lot 43

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 8, 2018.