



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, May 8, 2018

7:00 PM

Municipal Building

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.

SALUTE TO FLAG

ROLL CALL

Mayor Ron DiMura
Council Member Kevin Dotey
Council Member Dan Parenti
Council Member John Madden
Council President Robert Schueler
Council Member Jack Mikolajczyk

Council Member Sean Kaplan -- **Absent**

Also Present:

Brandon Goldberg Administrator
Aravind Aithal Attorney

PRESENTATIONS

APPOINTMENTS

1. Accept the resignation of Ed Johnson from the Ethics Board
Mayor DiMura accepted the resignation of Ed Johnson from the Ethics Board
-

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the April 24, 2018 Regular & Executive Session Meeting Minutes & the May 1, 2018 Special & Executive Session Meeting Minutes

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Madden, Schueler, Mikolajczyk
ABSENT:	Kaplan

MAYOR'S REPORT

1. Citizen's Donation - Police Bicycle

Mayor DiMura reported that a borough resident had donated a bicycle valued at approximately \$2,000 to the Police Department. Mayor DiMura thanked this resident who wished to remain anonymous.

Mayor DiMura requested that the Administrative Committee review why we do not list committee members on the borough website and make a recommendation at the June 12, 2018 Regular Meeting.

Mayor DiMura also requested that the Administrative Committee review the costs of videotaping the meetings of the Governing Body next year and present their findings at the June 12, 2018 Regular Meeting.

Mayor DiMura requested that the Finance Committee review the new contract from the PR Firm and make a recommendation to the governing body.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Fire/OEM/Rescue Squad

Recreation/Recreation Fields/Swim Pool/Community Celebrations

Public Works/Buildings & Grounds/Recycling

Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court

Administration/Department of Senior Services/Legislation/Licensing

PRIVILEGE OF THE FLOOR

John Ericson, 209 Second Street thanked the Mayor for putting information on Facebook, but stated that it incorrectly stated that the public portion of the meeting was at the end of the meeting.

Dave Polakiewicz, 240 Hazelwood Avenue questioned (1) the location of the PILOT discussed at the Special Meeting and the expected payout; (2) The possibility of dictating the start of the payments on the PILOT; (3) The revaluation and if a Special Meeting could be held with the Assessor present to discuss the revaluation; (4) Happy to see that OLMV did not receive any utility payments from the Borough; and (5) Why 3 out of 9 lease payments were made from the Recreation Account. Mayor DiMura and Attorney Aithal addressed all of Mr. Polakiewicz' concerns.

Rich Rutkowski, 211 Maple Street questioned (1) possibly giving a break on property taxes to members of the Rescue Squad; (2) The bid threshold that is required to go out for closed bids; (3) Offered information on recording of the meetings; (4) Renewal of the PR Contract for 2018/2019; (5) Payment of OLMV Lease from

Recreation Account; and (6) Information that he did not receive in his OPRA request. Mayor DiMura, along with the Borough Attorney addressed Mr. Rutkowski's concerns.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Schueler, Council President
SECONDER:	John Madden, Council Member
AYES:	Dotey, Parenti, Madden, Schueler, Mikolajczyk
ABSENT:	Kaplan

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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 Warrenville 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 Warrenville Road Improvements Project to Reivax Contracting Corp.

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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)

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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 - *Item Removed from
Consent***

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

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.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council Member
AYES:	Dotey, Parenti, Madden, Schueler, Mikolajczyk
ABSENT:	Kaplan

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

NON-CONSENT AGENDA/RESOLUTIONS

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council Member
AYES:	Dotey, Parenti, Madden, Schueler, Mikolajczyk
ABSENT:	Kaplan

The Borough Clerk read the following resolution:

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council Member
AYES:	Dotey, Parenti, Madden, Schueler, Mikolajczyk
ABSENT:	Kaplan

AGENDA WORKSHOP ITEM

1. Amusement License Fees

Mayor DiMura indicated that it was brought to his attention that the current cost for an Amusement Machine is \$150 per year and recommended that Council consider charging businesses \$150 per year for one machine, and a flat rate of \$300 per year for multiple machines. Council approved this change.

2. Liquor License Fees

Mayor DiMura indicated that he was approached to have council discuss the discrepancy with the fees for a club liquor license (\$60) annually and a regular liquor license (\$1339) annually. Council discussed this discrepancy in the fees and agreed to keep them at their current amounts.

3. Sewer Bid

Attorney Aithal stated that he has reviewed the sewer bid and found it to be a non-responsive bid. The attorney recommended that the borough go out to bid again on this project.

4. Surplus Police Cars to the Fire Police

Mayor DiMura suggested that the 2 police detective cars that were surplus are in good condition and the Council may want to give these vehicles to the fire police, as they would not receive a lot of money at an auction. Council approved giving these vehicles to the fire police.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

John Ericson, 209 Second Street questioned why the sewer bid was put on the Special Meeting Agenda. Mayor DiMura indicated that after engineering reviewed the bid and the Attorney reviewed the bid it was too late to pull off the Agenda. Mayor DiMura wanted to move on this bid as soon as possible as there are several spots with bad infiltration issues and the Borough can be fined.

EXECUTIVE SESSION

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

ADJOURNMENT

The next Regular Meeting will be May 22, 2018

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk