

**BOROUGH OF MIDDLESEX
REGULAR MEETING
AGENDA
MAY 10, 2016
7 PM**

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:**

Greco [] Kaplan [] Corley [] Madden [] Schueler [] Mikolajczyk []
Mayor DiMura []
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **PRESENTATIONS**
7. **NEW BUSINESS**
 1. **ORDINANCE NO. 1890-16 – AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 317, PROPERTY MAINTENANCE**
8. **PUBLIC HEARING**
9. **ADOPTION OF MINUTES**
 1. Approval of the April 26, 2016 Regular Meeting Minutes
10. **REPORTS - STANDING COMMITTEES:**
 1. Finance/Taxation/Real Estate/Insurance/Public Utilities
 2. Recreation/Recreation Fields/Swim Pool/Community Celebrations
 3. Fire/OEM/Board of Health/Rescue Squad
 - a. Recognizing Rae Quast as a qualified driver of FP1, FP2, and FP3.
 - b. Approving James Singer IV as an Active Member of the Fire Department.
 - c. Approving Carlos Lopez as a Junior Member of the Fire Department.
 4. Public Works/Buildings & Grounds/Recycling

5. Police/Legal/Code Enforcement/Construction/Municipal Court
6. Administration/Department of Senior Services/Legislation/Licensing

11. REPORTS

Mayor

1. Pathway to Swim Pool Cost Estimate.
2. Proposed Resolution for Past Due Sewer Bills.

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.

- 12. 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 #95-16 Requesting Permission for the Dedication by Rider for the Commodity Resale Program
2. Resolution #96-16 Requesting Permission for the Dedication by Rider for Third Party Outside Lien Redemption
3. Resolution #97-16 Approval to apply for the 2015 Recycling Tonnage Grant Application and designating David Sliker to ensure that the application is properly filed.
4. Resolution #98-16 Rescinding Resolution #91-16, adopted April 26, 2016, hiring Frank Spallone as Construction Official.
5. Resolution #99-16 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.
6. Resolution #100-16 Approving 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.

7. Resolution #101-16 Authorizing the Mayor to execute the contract with Jaffe Communications to design and host the website.
8. Resolution #102-16 Approving the Updated Middlesex County All-Hazards Mitigation Plan
9. 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.
13. **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 #104-16 Pay all Claims
14. **PRIVILEGE OF THE FLOOR**
15. **AGENDA WORKSHOP ITEMS**
 1. Tax Revaluation
 2. Recommendation from the Planning Board regarding LED Lights in Middlesex Borough.
16. **PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS**
17. **EXECUTIVE SESSION** Resolution #105-16
 1. Salary Increases - Non Union Employees
 2. Construction Official Position
18. **ADJOURNMENT.** The next Regular Meeting will be on May 24, 2016.

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.

ATTEST:

BOROUGH OF MIDDLESEX

Kathleen Anello, RMC
Borough Clerk

Ronald DiMura
Mayor

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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 marshall 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

Caroline Benson, Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ



DiFrancesco Bateman
Kunzman, Davis, Lehrer & Flaum, P.C.

15 Mountain Boulevard
Warren, New Jersey 07059

Telephone: (908) 757-7800
Fax: (908) 757-8039
www.newjerseylaw.net

Kelly Mack Carey
Of Counsel
Extension 155
kcarey@newjerseylaw.net

May 3, 2016

Honorable Ronald DiMura, Mayor
and Council Members
Middlesex Borough
1200 Mountain Avenue
Middlesex NJ 08846

**Re: Proposed Ordinance Amendment to Section 420-60 Zoning Performance
Standards, Section 420-61 Signs, and 420-7 Definitions
File No. MBPGEN**

Dear Mayor and Council:

The Middlesex Borough Planning Board respectfully requests that the Governing Body consider adoption of amendments to the Zoning Performance Standards, Signs and Definitions of the Borough Land Use Ordinance. The amendments will assist the Borough in regulating a new type of lighting that is becoming popular in the Borough and in neighboring municipalities. The new LED flexible lighting systems are being used on all types of buildings, around signs, in windows, as accent lighting around roof edges, etc. The current Borough ordinances on lighting, which were adopted some time ago, may not adequately protect the Borough from the new ways LED lighting can be used.

The intention of the ordinance amendment is to prohibit the over use of decorative lighting, and to provide more specific maximum lighting levels, for all outdoor lighting, than are contained in the existing Borough ordinances. The LED lighting systems available on the market are very versatile and varied. LED lighting systems provide increased precision and control over the amount and focus of the lighting they provide, which is a terrific benefit in land use planning and design. LED lighting also uses less electricity than traditional lighting. However, LED also allows for inexpensive instillation of very bright decorative lighting. The decorative LED lighting elements do not fit squarely within the Borough's existing sign and lighting restrictions. The new ordinance attempts to balance the needs of business to advertise and provide safety at

May 3, 2016

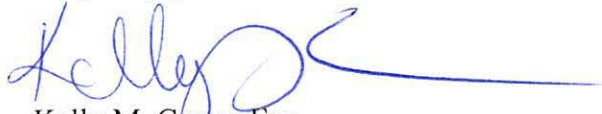
Page 2

their properties and the resident's preference to reduce light spillage and excessive glare onto their properties and in their neighborhoods. The proposed ordinance will protect the public from the negative effects of some types of LED which create, bright, distracting, light displays that can distract drivers and negatively impact residential neighbors.

However, there are also positive advances in LED lighting, and there are many good options available on the market. The Board believes it is the appropriate time to update the lighting and sign ordinances to take advantage of the flexibility available in these modern LED lighting systems. The proposed ordinance sets standard maximum lighting levels which can not be exceeded and requires that lighting plans use the available methods to reduce light intrusion and glare. However, it does not require specific methods to meet these goals and therefore allows business owners flexibility in how they achieve these requirements. Businesses will be able to choose the methods that best fit their business while achieving the goal of reduced light intrusion and glare.

A draft ordinance is attached for your consideration. The Planning Board has held several extensive discussions on this draft in an effort to achieve the right balance between safety concerns, business needs and resident's needs and welcomes additional input by the Governing Body.

Very truly yours

A handwritten signature in blue ink, appearing to read "Kelly", followed by a long horizontal flourish.

Kelly M. Carey, Esq.,
Attorney, Middlesex Borough Planning Board

Enclosure

Cc: Karen Wick, Board Secretary (Via E-mail and Regular Mail)
Robert Schueler, Council Liaison (Via E-mail)
Aravind Aithal, Esq. Township Attorney's Office
Barrie Palumbo, Zoning Officer (Via E-mail)
Robert Bucco, P.E., Board Engineer (Via E-mail)
Paul Ricci, P.P., Board Planner (via E-mail)

DRAFT FOR DISCUSSION
ORDINANCE NO. ____

**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.

SECTION 3. 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 4. 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 5. 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 6. 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.

ATTEST:

BOROUGH OF MIDDLESEX

By: _____
Kathleen Anello, RMC
Borough Clerk

By: _____
Ronald DiMura
Mayor

April 29, 2016

Middlesex Borough Mayor and Council:

Please be informed that Rae Quast has been accepted as a qualified driver of FP1, FP2 and FP3. Also, James Singer IV has been accepted as an Active Member of the Middlesex Fire Department. Lastly, Carlos Lopez has been accepted as a Junior Member of the Middlesex Fire Department.

Regards,

Jackie Giardino

Secretary

Middlesex Fire Department Board of Fire Officers

April 29, 2016

Middlesex Borough Mayor and Council:

Please be informed that Joe Dudley has taken a 6 month leave of absence from the Middlesex Fire Department.

Regards,

Jackie Giardino

Secretary

Middlesex Fire Department Board of Fire Officers