

**BOROUGH OF MIDDLESEX
REGULAR MEETING
AGENDA
MAY 24, 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**
 1. Dan Gitler, Shade Tree Commission Chairman
 2. Presentation by Mayor DiMura Recognizing Tonya Hubosky for her 22+ Years of Service.
7. **NEW BUSINESS**
 1. **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**
8. **PUBLIC HEARING**
 1. **ORDINANCE NO. 1890-16 – AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 317, PROPERTY MAINTENANCE**
9. **ADOPTION OF MINUTES**
 1. Approval of the May 10, 2016 Regular & Executive 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. Banning the Sale of Tobacco to Individuals under 21 years old.
 - b. Adopt No Smoking in Middlesex Borough Parks and Recreation Areas.
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

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 #106-16 Accepting the Resignation of Tonya Hubosky, Tax Collector, effective May 27, 2016.
2. Resolution #107-16 The Tax Collector authorizes to redeem Tax Sale Certificate #2015-1845 in the amount of \$24,112.29 and Tax Sale Premium in the amount of \$44,100 for Block 55, Lot 23, 12 Dayton Avenue.
3. Resolution #108-16 At the recommendation of the Police Chief, the governing body hereby advances Police Officer Richard Szymczak to Police Officer Class "E" effective June 11, 2016 at an annual salary of \$69,015
4. Resolution #109-16 The governing body hereby approves the 2016 Salary Increase for Non-Union Employees in the Borough of Middlesex

5. Resolution #110-16 Refunding Street Opening Permit #2015-11 to Charles Anthony, 44 Dayton Avenue in the amount of \$1875.00
6. Resolution #111-16 Hiring Dan Nero as the temporary part time plumbing inspector for 6 hours per week at \$40.00 per hour effective immediately
7. Resolution #112-16 Authorizing an Amendment of Section 8 of the Personnel Policy of the Borough of Middlesex entitled "Work Period and Overtime"
8. Resolution #113-16 Authorizing the Reconstitution of the Ethical Standards Board
9. Resolution #114-16 Authorizing State Contract Purchase of Antennas, Speakers, Charging System for Police Department
10. Resolution #115-16 Authorizing an Amendment of Section 9 of the Personnel Policy of the Borough of Middlesex entitled "Holiday and Vacation Benefits"
11. Resolution #116-16 Allowing to Extend Payment of the Sewer Bills until September 1, 2016 and Waiving the Interest Accrued if Paid by Said Date.
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 #117-16 Pay all Claims
14. **PRIVILEGE OF THE FLOOR**
15. **AGENDA WORKSHOP ITEMS**
 1. Cost Estimate for Football Field Lights.
 2. Hiring of Part Time DPW Employees
16. **PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS**
17. **EXECUTIVE SESSION** Resolution #118-16
 1. Administrative Assistant (Police Dept.)
 2. Hiring of 3 DPW Full Time Employees
 3. Administrator
 4. Tax Collector
18. **ADJOURNMENT.** The next Regular Meeting will be on June 14, 2016.

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.

ATTEST:

BOROUGH OF MIDDLESEX

Kathleen Anello, RMC
Borough Clerk

Ronald J. DiMura
Mayor

INTRODUCED:

March 24, 2016

**DATE OF PUBLICATION
OF INTRODUCTION:**

FINAL ADOPTION:

**DATE OF PUBLICATION
OF ADOPTION:**

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

INTRODUCED: **May 10, 2016**

**DATE OF PUBLICATION
OF INTRODUCTION:** **May 13, 2016**

FINAL ADOPTION: **May 24, 2016**

**DATE OF PUBLICATION
OF ADOPTION:**

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

TOTAL	\$ 17,155.91
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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 #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 16th Street – Suite 2050
Philadelphia, PA 19102

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

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

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

\$12.36
\$10.81

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Toddler Playgroup Instructor

\$12.36

Toddler Playgroup Assistant

\$10.81

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey 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
2. This Resolution shall take effect immediately.

**SECTION 8
WORK PERIOD AND OVERTIME**

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.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

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

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

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

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

1. Section 9 of the Personnel Policy is hereby amended as stated below; and
2. This Resolution shall take effect immediately.

**SECTION 9
HOLIDAY AND VACATION BENEFITS**

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:

Time in Service

No. of Vacation Days

Date of hire to end of the Same Year days)	1 day per month (not to exceed 10 days)
1 st calendar year through 3 rd calendar year	10 days
4 th calendar year	11 days
5 th calendar year	12 days
6 th calendar year	13 days
7 th calendar year	14 days
8 th calendar year and thereafter	One additional day per additional year of service with a maximum of 25 vacation days.

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 days)	1 day per month (not to exceed 10 days)
1 st calendar year through 3 rd calendar year	10 days
4 th calendar year	11 days
5 th calendar year	12 days
6 th calendar year	13 days
7 th calendar year	14 days
8 th 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.

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 #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

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

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 #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.

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 #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

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

**BOROUGH OF MIDDLESEX
ORDINANCE NO.**

**AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH MIDDLESEX"
CHAPTER 343-8**

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.

ATTEST:

Borough Clerk

Mayor Ronald J. DiMura

INTRODUCED:

DATE OF INTRODUCED PUBLICATION:

ADOPTED:

DATE OF ADOPTED PUBLICATION:

**BOROUGH OF MIDDLESEX
ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF
MIDDLESEX, NEW JERSEY, CHAPTER 383, TOBACCO, SALE OF, SECTION 383-2.
PROHIBITION OF TOBACCO SALES TO MINORS, AND 383-3. REQUIREMENT FOR PROOF
OF AGE**

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:

383-2. Prohibition of Tobacco Sales to Minors

A. It shall be unlawful to sell tobacco or any nicotine delivery products, excluding FDA approved products for smoking cessation to a person under 21 years of age.

B. Every vendor of any tobacco product shall post a sign in conspicuous place near each cash register that states: "Sale of tobacco products to minors under the age of 21 is prohibited by laws. Legal proof of age must be shown. A person who sells or offers to sell a tobacco product to a person under 21 years of age may be prosecuted in accordance with state and local law."

383-3. Requirement for proof of Age

A. It shall be unlawful for a tobacco retailer to sell or permit to be sold tobacco to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as 21 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 21 years.

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 to the law.

ATTEST

Kathleen Anello, Municipal Clerk

Ronald J. DiMura, Mayor

INTRODUCED:

DATE PUBLICATION
OF INTRODUCTION:

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION: