



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, March 27, 2018

7:00 PM

Municipal Building

1. **MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.
2. **SALUTE TO FLAG**
3. **ROLL CALL**

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

4. **PRESENTATIONS**
5. **APPOINTMENTS**
6. **PROCLAMATIONS**
 1. Elk's Youth Week - March 26th - March 28th, 2018
 2. Girl Scout Week March 11-17, 2018
7. **ORDINANCE(S) FOR INTRODUCTION**
 1. **Ordinance 1937-18** CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
 2. **Ordinance 1938-18** 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
8. **ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**

9. ADOPTION OF MINUTES

1. Adoption of the March 13, 2018 Regular Meeting Minutes

10. MAYOR'S REPORT**11. REPORTS - STANDING COMMITTEES**

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Fire/OEM/Rescue Squad/Shade Tree
 1. Approval of the February, 2018 Fire Chief's Report
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
 1. Approval of the February 2018 Police Report
6. Administration/Department of Senior Services/Legislation/Licensing

12. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 93-2018** Introduction of the 2018 Municipal Budget
2. **Resolution 94-2018** Cancelling Property Taxes on Block 84, Lot 15 as Homeowner has been declared a 100% Disabled Veteran
3. **Resolution 95-2018** Refund of Permit Fee to EKTA 87, LLC for 580 Union Avenue
4. **Resolution 96-2018** Executive Session
5. **Resolution 98-2018** Authorizing a self-examination of the 2018 Municipal Budget of the Mayor and Council of the Borough of Middlesex

- 14. NON-CONSENT AGENDA/RESOLUTIONS:** Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to

refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

1. **Resolution 97-2018** Pay All Claims

15. AGENDA WORKSHOP ITEM

1. Spray-Tek Community Outreach Program

16. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

17. EXECUTIVE SESSION

1. DPW, White Collar & PBA Contracts

18. ADJOURNMENT

1. The next Regular Meeting will be April 12, 2018

PROCLAMATION

Elk's Youth Week - March 26th - March 28th, 2018

WHEREAS, the Benevolent and Protective Order of Elks has designated the week of March 26, 2018 as Elk's Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition to their services to Community, State and Nation; and

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

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

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

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

NOW THEREFORE, I Ronald J. DiMura, Mayor of the Borough of Middlesex do hereby proclaim the week of March 26, 2018 as Elk's Youth Week and urge all departments of government, civic, fraternal and patriotic groups and our citizens generally, to participate wholeheartedly in its observance.

DATED: March 27, 2018

Kathleen Anello, RMC

Mayor Ronald J. DiMura

PROCLAMATION

Girl Scout Week March 11-17, 2018

WHEREAS, Girl Scouts of the USA, the largest voluntary organization for girls in the world, and recognizes that today's girls will be tomorrow's leaders; and

WHEREAS, the Girl Scout movement emphasizes the building of each girls' self-confidence, leadership skills, and decision making abilities; and

WHEREAS, Girl Scouts take pride to serve the community; and

WHEREAS, Girl Scouts of the USA celebrates the individuality in girls that they may develop to their full potential; and

WHEREAS, Girl Scouts provides a place, in troubled times, where things are normal and dependable; and

WHEREAS, Girl Scouts is open to all girls ages 5-17, and offers a program responsive to their needs and interests.

NOW, THEREFORE, I, Ronald J. DiMura, by the virtue of the authority vested in me as Mayor of the Borough of Middlesex, hereby proclaim March 11th - March 17th as GIRL SCOUT WEEK in the Borough of Middlesex.

DATED: March 27, 2018

Kathleen Anello, RMC

Mayor Ronald J. DiMura

ORDINANCE #1937-18

**CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-
45.14)**

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

**CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2018 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$134,334.77 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$470,171.70 and that the CY 2018 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

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

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

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

INTRODUCED: 3/27/2018

DATE OF PUBLICATION:
OF INTRODUCTION March 30, 2018

ORDINANCE #1938-18

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.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

INTRODUCED:

3/27/2018

DATE OF PUBLICATION:
OF INTRODUCTION March 30, 2018

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

Resolution #93-2018

INTRODUCTION OF THE 2018 MUNICIPAL BUDGET

BOROUGH OF MIDDLESEX
MIDDLESEX COUNTY, NEW JERSEY

BUDGET INTRODUCTION RESOLUTION

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2018.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2018;

BE IT FURTHER RESOLVED that said Budget be published in the Courier News, NJ in the issue of April 10, 2018.

The governing body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2018:

General Appropriations:	
Appropriations Within "CAPS"	\$13,860,361.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	\$5,193,457.23
Municipal Purposes	
Reserve for Uncollected Taxes - Based on	
Estimated 98+ Percent of Tax Collections	\$875,000.00
 Total General Appropriations	 \$19,928,818.23
 Less: Anticipated Revenues Other than Current	
Property Tax	\$7,046,640.16
 Difference: Amount to be Raised by Taxes	
For Support of Municipal Budget:	
Local Tax for Municipal Purposes Including	
Reserve for Uncollected Taxes	\$12,388,083.07
 Municipal Library Tax	 \$494,095.00
 Swimming Pool Utility Operating Fund	
Total Swimming Pool Revenues	\$503,060.00
 Total Swimming Appropriations	 \$503,060.00

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, on March 27, 2018.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 24, 2018 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

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

Resolution #94-2018

CANCELLING PROPERTY TAXES ON BLOCK 84, LOT 15 AS HOMEOWNER HAS BEEN DECLARED A 100% DISABLED VETERAN

The Tax Collector is hereby authorized to cancel 2018 1st & 2nd quarter , refund partial 2017 2nd quarter, and refund the full amounts of 2017 3rd quarter and 2017 4th quarter , Block 84 Lot 15, 40 Ramsey Road. The homeowner has been declared a 100% disabled veteran by the Division of Veterans Affairs as of May 23rd, 2017.

The amounts to be cancelled and refunded are:

<u>CANCEL</u>	2018 1st Quarter	\$1746.26	
	2018 2 nd Quarter	<u>\$1746.26</u>	
	Total	\$3492.52	
<u>REFUND</u>	2017 2 nd Quarter	\$393.90	
	2017 3 rd Quarter	\$1805.89	
	2017 4 th Quarter	<u>\$1805.89</u>	
	Total	\$4005.68	

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

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

Resolution #95-2018

REFUND OF PERMIT FEE TO EKTA 87, LLC FOR 580 UNION AVENUE

WHEREAS, EKTA 87, LLC applied for and received Permit No. 20170450 +1 on 12/20/17, to do work at 580 Union Ave; and

WHEREAS, check no. 1169 dated 12/20/17 payable to the Borough of Middlesex, was submitted in the amount of \$3153.00 in payment of said permit of \$3075.00 and DCA fees of \$78.00; and

WHEREAS, the owner at 580 Union reduced the amount of signs to be installed and has reapplied for a new sign permit to replace the incorrect sign permit;

WHEREAS, EKTA 87, LLC has requested refund for full amount of the original sign permit

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 \$3153.00 in favor of EKTA 87 LLC , 27 Azalea Place, Piscataway, NJ 08846, for refund of fee for Permit #20170450 +1.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

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

Resolution #96-2018

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. DPW, White Collar & PBA Contract

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

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

Resolution #98-2018

AUTHORIZING A SELF-EXAMINATION OF THE 2018 MUNICIPAL BUDGET OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Middlesex has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Middlesex that in accordance with N.J.A.C. 5:3-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement and content as required by Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimated of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.

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

Resolution #97-2018

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on March 27, 2018.