



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, April 10, 2018

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Members:

Council Member Kevin Dotey
Council Member Dan Parenti
Council Member Sean Kaplan
Council Member John Madden
Council President Robert Schueler
Council Member Jack Mikolajczyk

Staff:

Ron DiMura Mayor
Brandon Goldberg Administrator
Aravind Aithal Attorney

Mayor DiMura added discussion regarding the Middlesex Rescue Squad to the Agenda Workshop Items.

EXECUTIVE SESSION

The Borough Clerk read the following resolution:

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

RESOLUTION 99-2018

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. Presentation on Block 349, Lot 10, 10.02 & 10.03 for Possible Payment in Lieu of Taxes
2. OLMV Lease Negotiation
3. Personnel Matter - Assistant Supervisor - DPW
4. Department of Energy MOU for Sampling Plant/Possible Acquisition of Private Property

Michael Baker, Redevelopment Attorney attended the Executive Session regarding the presentation on Block 349, Lot 10, 10.02 & 10.03 for possible payment in lieu of taxes. Attorney Aithal recused himself from that discussion.

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

2. Presentation on Block 349, Lot 10, 10.02 & 10.03 for Possible Payment in Lieu of Taxes
3. OLMV Lease Negotiation
4. Personnel Matter - Assistant Supervisor Position - DPW
5. Department of Energy MOU for Sampling Plant/Possible Acquisition of Private Property

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

1. Arbor Day - April 27, 2018

PROCLAMATION

WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce

the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, I, RONALD J. DIMURA, Mayor of the Borough of Middlesex, do hereby proclaim April 27, 2018, as

ARBOR DAY

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

2. National Distracted Driver Month April, 2018

WHEREAS, Distracted driving is a dangerous epidemic on America's roadways, and

WHEREAS, Distracted driving kills with thousands of people and injures nearly one half million others each year, and

WHEREAS, Driver inattention was listed as a contributing circumstance in 52 percent of the state's crashes in 2015, and

WHEREAS, Driver inattention was in fact listed as a contributing factor in crashes at a rate nine times higher than that of the next highest contributing factor (speed); and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, the State of New Jersey Division of Highway Traffic Safety is providing grants to municipalities for police officers, on an overtime basis, to conduct special enforcement patrols targeting distracted drivers from April 1 - 21, 2018. The patrols will consist of roving patrols and fixed checkpoints. The grant will pay for 120 hours of overtime enforcement during the crackdown period, now

THEREFORE, BE IT RESOLVED that the Borough of Middlesex declares it's support for "National Distracted Driver Month" both locally and nationally from April 1, thru April 21, 2018, and pledges to increase awareness of Distracted Driving in the Borough.

BE IT FURTHER RESOLVED that the Middlesex Police Department will participate in targeted distracted driving enforcement and education during the 2018 Distracted Driving Crackdown: "U Drive - U Text - U Pay" from April 1, 2018 to April 21, 2018.

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1939-18 by title:

ORDINANCE 1939-18

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 244, JUNKYARDS AND JUNK DEALERS, ARTICLE I JUNK DEALERS, SECTION 244-6 FEES AND ARTICLE II MOTOR VEHICLE JUNKYARDS, SECTION 244-31 LICENSE REQUIREMENT

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

§244-6 Fees shall be amended as follows:

The license fees for the period from May 31 of each year to May 31 of the following year, both inclusive, or any portion of such period shall be as follows:

- A. For each retail junk dealer or place of business, including one vehicle maintained by such retail junk dealer, \$400; and for each additional vehicle maintained by such retailer, \$50.
- B. For each wholesale place of business, including one vehicle maintained by such wholesale junk dealer, \$500; and for each additional vehicle maintained by such wholesaler, \$50.

§244-31 License Requirements shall be amended as follows:

All licenses shall be numbered in the order in which they are issued, and shall state clearly the location of the junkyard, the date of issuance and expiration of the license and the name and address of the licensee. All licenses granted by the Mayor and Council shall expire on the 31st of May, and all such licenses issued shall be subject to the right of revocation reserved by the Council except that the licensee shall be entitled to a hearing before revocation.

This ordinance shall take effect upon final adoption and publication as required by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/24/2018 7:00 PM
MOVER:	Kevin Dotey, Council Member	
SECONDER:	Robert Schueler, Council President	
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk	

The Borough Clerk read ordinance 1940-18 by title:

ORDINANCE 1940-18

AN ORDINANCE UPDATING THE PERFORMANCE AND MAINTENANCE GUARANTEE SECTIONS OF THE BOROUGH'S LAND DEVELOPMENT CODE TO COMPLY WITH STATUTORY UPDATES TO THE MUNICIPAL LAND USE LAW

WHEREAS the Municipal Land Use Law (N.J.S.A. 40:55D -1 et seq.) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the state legislature; and

WHEREAS the Planning Board of the Borough of Middlesex, at its regular meeting on March 28, 2018, has referred, to the governing body, the instant amendments to the Land Development Code for consideration in response to recent statutory amendments to the corresponding provisions in the Municipal Land Use Law; and

WHEREAS the statutory provisions regarding performance guarantees, maintenance guarantees and establishing a safety and security obligation were recently amended and supplemented by the legislature and the Borough now likewise amends its Land Development Code to comply with the revisions to the statute.

NOW THEREFORE BE IT RESOLVED THAT the following provisions of Chapter 248 Land Development Code of the Borough of Middlesex shall be amended and supplemented as follows:

Section 248-4 Definitions

Land Use Board

The Planning Board, Zoning Board of Adjustment or such other approving authority as may be designated by ordinance to review land development projects within the Municipality, which ever Board has jurisdiction over the underlying application or development project.

Municipal Engineer

The Planning Board Engineer, Zoning Board of Adjustment Engineer, Borough Engineer or such engineering consultant as may have been retained by the Municipality to provide professional engineering services.

Section 248-8 Improvements and guaranties prior to final approval

- A. Before consideration of a final subdivision plat or final site plan, the developer will have installed the improvements, and obtains the permits, required under Section 248-16 of this Chapter, in the event that the improvements listed in Section 248-20 A of this chapter have not been completed the Land Use Board shall require the posting of adequate performance guarantees to assure the installation of the required improvements as identified in Section 248-20 and N.J.S.A. 40:55D-53. The Borough may require up to 10% of the performance guarantee in the form of

cash or other equivalent security. Further, the Land Use Board may stipulate that, for any approval, a certificate of occupancy shall not issue until all improvements are installed and approved by the Municipal Engineer. However, for a subdivision, at the Board's sole discretion, it may direct the final two certificates of occupancy shall not be issued until all improvements are installed and approved by the Municipal Engineer, provided that appropriate temporary certificate of occupancy guarantees, private buffer landscape guarantees and maintenance guarantees are provided as per Section 248-20 of this Chapter for the issuance of the initial certificates of occupancy of that subdivision.

Section 248-16 Required improvements.

M. Street Trees. Where required by the Land Use Board. Two new street trees shall be installed on the owner's property so as not to interfere with utilities, roadways or walkways and sidewalks. Trees shall be two inches or more in diameter, 12 feet or more in height and shall include but not be limited to the following types: silver linden; European linden; sweet gum; Norway red, crimson, king or sugar maple; and red, pink black or scarlet oak. All plant material must be certified to be nursery-grown stock or the equivalent and not collected material. Street trees shall not be required if two or more equivalent trees exist and are to remain in the front-yard area.

N. Water mains. Water mains as required by the water company and or the Municipal Engineer and identified on the approved plans, if any, shall be required.

O. Public improvements to open space. All public improvements to open space, if any, as provided for on the approved plans shall be required.

P. Except as provided by N.J.S.A. 5:21-1 et seq.

Section 248-20 Performance guarantees, maintenance guarantee and inspection fee.

A. Prior to granting approval of the final plat for site plan or subdivision or the recording of a minor subdivision deed, the developer shall have installed or shall have furnished performance guarantees to the Borough in an amount not to exceed 120% of the costs of installation as provided for in N.J.S.A. 40:55D-53 for improvements required by an approval or developer's agreement, ordinance or regulation, to be dedicated to a public entity, and that have not yet been installed. The improvements shall be shown on the approved plans and include the following; streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by the "map filing law" PL 2011 c. 217 or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space and any grading necessitated by the preceding improvements.

(1) The Borough may also require a performance guarantee to include, within an approved phase or section of a development, privately owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval. At the developer's option a separate performance guarantee may be posted for the privately owned perimeter buffer landscaping.

(2) Such performance guarantee(s) shall run for a period no more than two years. However, with the consent of the owner and the surety, if there is one, the governing body may, by resolution, extend the term of such performance guarantee an additional period, not to exceed three years. The amount of the performance guarantee may be reduced by the governing body by resolution when the portions of the required improvements have been installed and approved by the Municipal Engineer as provided for herein.

- (3) The cost of installation of improvements for the purposes of this section shall be estimated by the Municipal Engineer based on documented construction costs for the public improvements prevailing in the general area of the municipality.

B. No final plat, or minor subdivision deed, shall be approved by the Land Use Board until the completion of all such required improvements has been certified to the Land Use Board by the Municipal Engineer, unless the developer shall have filed with the Borough of Middlesex a performance guarantee sufficient in amount to cover the cost of all such on-tract improvements, to be dedicated to a public entity, as provided for in subsection A above, or uncompleted portions thereof, as estimated by the Municipal Engineer, and insuring the installation of such uncompleted improvements on or before an agreed date. Such performance bond or surety company bond shall be approved as to form, amount and execution by the Borough Attorney, the details of which shall be provided for in the Developer's Agreement between the developer and the Borough.

- (1) In the event that a developer shall seek a temporary certificate of occupancy for a development, unit, lot, building or phase of development, as a condition of the issuance thereof the developer shall furnish a separate guarantee referred to herein as "temporary certificate of occupancy guarantee" in compliance with the provisions of N.J.S.A. 40:55D-53(1)(c) et seq.. The municipal official designated to administer this provisions of this section is the Zoning Officer. At no time may a municipality hold more than one guarantee or bond with respect to the same item.
- (2) Should a successive developer request a permit update under the State Uniform Construction Code for the purpose of updating the name and address of the owner of property on a construction permit, as a condition of such permit update, the new owner shall provide replacement performance guarantees, safety and stability guarantees and or maintenance guarantees as applicable to the then current stage of development.

C. Safety and stabilization guarantee. The developer shall furnish to the Borough a safety and stabilization guarantee to be available to the Borough for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition in compliance with the provisions of N.J.S.A. 40:55D-53(1)(d) et seq..

- (1) At the developer's option the safety and stabilization guarantee may be provided as a separate guarantee or as a line item in the performance guarantee.
- (2) The amount of the safety and stabilization guarantee shall be as follows; for bonded improvements in an amount not exceeding \$100,000 the guarantee shall be \$5,000. The amount of the safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of all the bonded improvements, or applicable phase or stage of development, as follows: \$5,000 for the first \$100,000 of bonded improvements plus 2.5% of bonded improvement costs in excess of \$100,000 up to \$1,000,000 plus 1% of bonded improvements costs in excess of \$1,000,000.

- (3) The Borough shall release the safety and stabilization guarantee upon the Municipal Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

D. Failure of Developer. Should the developer fail to complete all or any of the required improvements in accordance with the performance guarantee(s), the obligor and surety shall be liable thereon to the Borough of Middlesex for the reasonable costs of the improvements not installed, and upon receipt of the proceeds of the performance guarantee the Borough of Middlesex shall install such improvements. Such completion or correction of the public improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law" N.J.S.A. 40A:11-1 et seq. Should the developer fail to complete the development after disturbance of the site or halt construction for the periods defined in N.J.S.A. 40:55D-53 the Borough shall also collect the safety and stabilization guarantee and shall use those proceeds to take such actions as are reasonable to protect the safety and security of the public from unsafe or unstable conditions in the site.

E. Notice of completed improvements. When all of the required improvements have been completed, the obligor shall notify the governing body in writing, by certified mail and addressed in care of the Municipal-Clerk, of the completion of said improvements and shall send a copy thereof to the Municipal Engineer. There upon, the Municipal Engineer shall inspect all of the improvements and shall file a detailed report, in writing, within 45 days, with the governing body with a copy to the obligor, indicating either, approval, partial approval or rejection of the improvements, with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

F. The governing body shall, by resolution, either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer within 45 days of receipt of such report, and shall notify obligor in writing, by certified mail, of the action of the approving authority with relation thereto. Where partial improvement is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the governing body to adopt a resolution within said 65 days of receipt of the report from the Municipal Engineer shall be deemed to constitute approval of the improvements, and the obligor and surety, if any shall be released from all liability pursuant to such performance guarantee.

G. If any portion of the required improvements are rejected, the Borough, may require the obligor to complete such improvements and, upon completion, the same procedure of notification as set forth in this section shall be followed. The obligor shall continue to provide to the Borough performance guarantees of not less than 30% of the cost of installation of all improvements, as set forth in N.J.S.A 40:55D-53 until all improvements are completed. The amount of the safety and security guarantee, if any, shall also be adjusted as provided or in N.J.S.A. 40:55D-53 to provide continuing assurances of public safety during such period.

H. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or Municipal Engineer.

- I. Construction in phases. Upon completion and approval of a section of

improvements, but prior to the acceptance of same by Borough, or the release of any performance guarantee or safety and stabilization guarantee with respect to that phase or portion of the development, the developer shall be required to file a maintenance bond sufficient in amount to guarantee that the completed improvements will be maintained by the developer until completion of improvements in the remaining portions or sections of the subdivision and for a stated period thereafter not to exceed two years from the date of completion of all improvements. The Municipal Engineer shall determine the amount of the maintenance bond, and it shall be approved by the Borough Attorney as to form, sufficiency and execution and shall be approved by the mayor.

J. Maintenance guarantee. As a condition precedent to the issuance of a zoning permit, the Borough shall require the furnishing of a maintenance guarantee to be posted with the governing body as provided for herein. Upon final acceptance of the improvements by the governing body consistent with the procedures as outlined in this Section, and before the release of the performance guarantee, the developer shall post a maintenance guarantee with the Borough in the amount of 15% of the costs of the installation of the public improvements which are being released. The developer shall also post a maintenance guarantee in an amount not to exceed 15% of the costs of the installation of the following private site improvements; stormwater management basins, inflow and water quality structures within the basins, and the outflow pipes and structures of the stormwater system, if any. Said maintenance guarantee(s) to run for a period of two years after final acceptance of the improvements if such are dedicated to the public, or the date of approval by the Municipal Engineer if private improvements. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a maintenance guarantee to another governmental agency, no maintenance guarantee shall be required by the municipality for such utilities or improvements. Cash cannot be required as any part of such maintenance guarantee by the Borough, though the developer, at its option, may so provide all or a portion in cash.

K. Inspection fees. The obligor shall reimburse the Borough for reasonable inspection fees paid to the Municipal Engineer for the foregoing inspections of improvements, provided that the Borough may require of the developer a deposit for the inspection fees in the amount, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements subject to a performance guarantee as determined pursuant to this section and N.J.S.A. 40:55D-53(3) (h) et seq. and further, the developer shall deposit escrow fees not exceed 5% of the costs of the private site improvements that are not subject to the performance guarantee, for the cost of their inspection.

- (1) if the Borough determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to N.J.S.A. 40:55D-53, is insufficient to cover the costs of additional required inspections, the Borough may require the developer to deposit additional funds in escrow provided the Borough delivers to the developer a written inspection escrow deposit request, signed by the Municipal Engineer which; informs the developer of the need for the additional inspections, details the items undertakings that require inspection, estimates the time required for those inspections and estimates the cost for performing those inspections.
- (2) At the option of the developer the inspection fees may be paid in installments as provided for in N.J.S.A. 40:55D-53.

- L. Surety. If a developer posts a bond as guarantee, there must be attached to said bond an authority of the surety company empowering the person or persons who executed said bond for the surety company to do so. If the bonding company is not a licensed New Jersey entity, there should also be attached to the bond proof of its authority to do business in New Jersey and a copy of its financial condition. If the principal on the bond is a partnership, corporation, limited liability company or other business entity, there must be attached to the bond a certified copy of a resolution adopted by its Board of Directors, members or partners, as appropriate, authorizing the execution and delivery of said bond. Said bond must also bear the seal of the surety and the principal if a corporation.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/24/2018 7:00 PM
MOVER:	Kevin Dotey, Council Member	
SECONDER:	John Madden, Council Member	
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1937-18 by title:

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)

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.

Mayor DiMura opened the public hearing on Ordinance No. 1937-18. Seeing that there was no public participation, Mayor DiMura closed the public hearing on Ordinance No. 1937-18.

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

The Borough Clerk read ordinance 1938-18 by title:

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.

Mayor DiMura opened the public hearing on Ordinance No. 1938-18. Seeing that there was no public participation, Mayor DiMura closed the public hearing on Ordinance No. 1938-18.

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

ADOPTION OF MINUTES

1. Approval of the March 27, 2018 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor DiMura reported that the Little League Opening Day is scheduled for this Saturday at 12 noon. All members of the governing body are invited to attend.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Fire/OEM/Rescue Squad/Shade Tree

Recreation/Recreation Fields/Swim Pool/Community Celebrations

1. Approval of the March Recreation Trust Report & April Recreation Director's Report

Councilman Dotey reported that the Easter Egg Hunt held on March 31, 2018 was a HUGE success.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Parenti, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

Public Works/Buildings & Grounds/Recycling

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

1. Approval of the Quarterly Zoning/Code Enforcement Report

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council Member
SECONDER:	Dan Parenti, Council Member
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

Administration/Department of Senior Services/Legislation/Licensing

PRIVILEGE OF THE FLOOR

Rich Rutkowski, 211 Maple Street discussed (1) emails that he addressed to the Borough Administrator; (2) televising the regular meetings, (3) possible detox center on Lincoln Boulevard; (4) payment on the OLMV Lease and (5) the release of recording/minutes of the executive session. Mayor DiMura addressed all items discussed.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

The Borough Clerk read the following resolution:

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

RESOLUTION 100-2018**APPROVING THE TAX COLLECTOR TO ISSUE A CHECK TO THE MIDDLESEX
COUNTY CLERK TO RECORD A TAX SALE CERTIFICATE**

The Tax Collector is hereby authorized to issue a check in the amount of \$55.00 to record tax sale certificates acquired at the March 27, 2018 tax sale. The check should be made payable to:

Middlesex County Clerk
P O Box 1110
New Brunswick, NJ 08903-1110

The Borough Clerk read the following resolution:

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

RESOLUTION 101-2018

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE SEWER
CONNECTION USE AGREEMENT**

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Sewer Connection and Use Agreement between the Borough of Middlesex and RG-Piscataway Urban Renewal LLC.

The Borough Clerk read the following resolution:

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

RESOLUTION 102-2018

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX
ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE SENIOR CITIZEN/DISABLED PERSON TAX DEDUCTIONS**

WHEREAS, certain Senior Citizens/ Disabled Persons were the owners of the property in the Borough of Middlesex on or before October 1, 2017, and

WHEREAS, said Senior Citizens / Disabled Persons did file their claims for the Senior Citizen/ Disabled Person deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2017; and

WHEREAS, the Tax Collector has disallowed the following Senior Citizen/ Disabled Person deduction for the 2017 year totaling \$3250.00.

Name	Block	Lot	Amount	Reason	Year
Cortese, Michael & Mary	4.01	1	\$250	Over Income Limit	2017
Dodds, Douglas & Joan	6	6/C034B	\$250	Form Not Returned	2017
Senna, Theresa	6	6	\$250	Form Not Returned	2017

Donahue, Evelyn	29	21	\$250	Form Not Returned	2017
Gentile, Philip & Phyllis	71.01	2	\$250	Over Income Limit	2017
Delmont, Robert	97	5	\$250	Form Not Returned	2017
Seip, Bruce E. & Patricia J.	100	10	\$250	Over Income Limit	2017
Catona, Josette	180	9	\$250	Form Not Returned	2017
Serra, Debbie	187	25	\$250	Over Income Limit	2017
Kirk, Elmer J. & Carol A.	197	33	\$250	Over Income Limit	2017
Danyov, Elaine	262	I.01/C039B	\$250	Over Income Limit	2017
Paul, Elaine	303	61	\$250	Over Income Limit	2017
Brarens, Russell & Mary	313	8	\$250	Form Not Returned	2017

The Borough Clerk read the following resolution:

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

RESOLUTION 104-2018

**AUTHORIZING THE MEMORANDUM OF UNDERSTAND WITH THE DOE FOR
ACQUISITION OF BLOCK 318, LOT 1.01, MIDDLESEX SAMPLING PLANT**

Authorizing the Mayor and Borough Clerk to execute a Memorandum of Understanding with the Department of Energy for the acquisition of real property known as Block 318, Lot 1.01 Middlesex Sampling Plant currently owned by the United States Government.

The Borough Clerk read the following resolution:

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

RESOLUTION 105-2018

**AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE
CURRENT OWNER OF BLOCK 318, LOT 43 KARELEY, INC.,**

WHEREAS, Governing Body wishes to enter into a lease agreement with the current owner of Block 318, Lot 43 Kareley, Inc., and

WHEREAS, in consideration for this lease, the Borough will provide property tax relief to the current owner, and

WHEREAS, once the disposal of Block 318 Lot 43 is approved by the Government, the Borough intends to acquire the Kareley, Property in fee simple title, and

WHEREAS, the Government intends to compensate the Borough the just compensation amount paid to the current owner and in order to qualify for this compensation, and

WHEREAS, the Borough's acquisition will need to comply with the provision in 42 US Code Chapter 61 ("The Uniform Act").

NOW, THEREFORE, **BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute said lease.

NON-CONSENT AGENDA/RESOLUTIONS

The Borough Clerk read the following resolution:

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

RESOLUTION 103-2018

PAY ALL CLAIMS

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

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

AGENDA WORKSHOP ITEM

1. Baseball & Softball Field Lights - Mountainview Park

Mayor DiMura reported that it was brought to his attention that the lights on the baseball and softball field were very dim. The Mayor had Musco Lighting test these lights and it was determined that they need to relamp the lights on both the softball and baseball fields, and we were given a quote of \$15,500 to have that done. Council approved this relamping being done, with funds coming from the 2018 capital budget.

2. Backstop at Cook Field

Mayor DiMura stated that the backstop at Cook Field has been damaged from the snowstorm and cannot be used until repaired. The borough engineer indicated that a repair could not be done, so the backstop must be replaced at a cost of \$13,856. Mayor DiMura mentioned that funds can be part of the emergency appropriation, and we are currently waiting to see if we will be getting money from FEMA. Council approved the replacement of the backstop.

3. Emergency Appropriation for Storm Related Costs

Mayor DiMura reported that the borough has accumulated \$65,000 for storm related costs and anticipates this amount to increase to approximately \$80,000. These costs include DPW and Police overtime, removal of the brush and tree clean up services. Mayor DiMura indicated that our choices to cover this cost is to either amend the budget or do an emergency appropriation bond. The Mayor stated that the present budget is tight, and we had to fight to get under the cap. A consensus of council was taken and a majority of council voted to approve an emergency appropriation bond. (Mikolajczyk - No)

4. Rescue Squad Lease

Mayor DiMura reported that he and Councilman Madden met with the Rescue Squad and they were informed that their active membership is down. In 2016 the Rescue Squad covered 40% of the calls received and last year they were only able to cover 1/3 of the calls. The Mayor stated that when an outside service is used for these services the home owners receive a bill of approximately \$1,000. As of April 15, the Mayor was informed the Rescue Squad only intends on scheduling staffing on Friday, Saturday, Sunday and Monday for 2 months and then cutting back to 3 days. The Mayor indicated that we must look into coverage for the additional days that the rescue squad cannot provide, and would like to have the rescue squad come into a council meeting to discuss our options. Council approved inviting the Rescue Squad to attend the April 24, 2018 Regular Meeting.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Rich Rutkowski, 211 Maple Street questioned floating of a bond for the emergency appropriation money and if the borough would be paying someone to do the bond. Mayor DiMura stated that we would not pay someone to do a bond.

ADJOURNMENT

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

The next Regular Meeting will be April 24, 2018

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk