

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
JANUARY 26, 2016**

**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 the Annual Meeting Notice of January 2, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan (absent)
	Stephen Greco (absent)
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

Mayor DiMura thanked all the people that helped with the snowstorm which included our Police Department, Fire Department, OEM, Rescue Squad and DPW. The DPW worked 36 straight hours to keep our roads clear, and without them we wouldn't have gotten through the storm.

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**APPOINTMENTS**

The Borough Clerk read the following resolution:

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

**Resolution #16-16**

**WHEREAS**, Michael J. Sharkey has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Michael J. Sharkey be appointed to the position of Probationary Patrolman effective January 27, 2016 at an annual salary of \$51,339.00.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Michael J. Sharkey is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective January 27, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

Councilman Mikolajczyk made a motion for adoption seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #17-16**

**WHEREAS**, Paul M. Muldowney has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

**WHEREAS**, Chief Geist is recommending that Paul M. Muldowney be appointed to the position of Probationary Patrolman effective January 27, 2016 at an annual salary of \$51,339.00.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Paul M. Muldowney is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective January 27, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

Councilman Mikolajczyk made a motion for adoption seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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Police Chief Geist congratulated and welcomed the two new officers on their appointment to the Middlesex Police Department and thanked the Mayor and Council for their continued support of the Police Department .

Mayor DiMura appointed Terry Ledger and Betty Platten to the Housing and Community Development Committee, Emily DeScenza to the Library Board as the Mayor's Representative and Helene DiDonato-Gathier to the Swim Pool Commission as the Mayor's Representative. He also appointed Councilman Corley as his Designee to the Middlesex Transportation

Coordinating Committee and Councilman Schueler as the Alternate Designee to this Committee.

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**PROCLAMATIONS-NONE**

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**PRESENTATIONS-NONE**

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**PUBLIC HEARING-NONE**

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**NEW BUSINESS - NONE**

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**ADOPTION OF MINUTES**

Councilman Schueler made a motion to table the approval of the December 22, 2015 Regular Meeting Minutes and Executive Session Meeting Minutes and the January 1, 2016 Special Meeting Minutes and Executive Meeting Minutes seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Mikolajczyk and Schueler. Nos: None. Abstain: None.

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**REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance
  - A. Councilman Schueler reported that the budget documents have been distributed to all council members. The Committee is coordinating a Finance Committee meeting for next Saturday to work on the budget.
2. Recreation/Recreation Fields/Water & Light
  - A. Councilman Madden reported that the reorganization Meetings have been held for the Recreation Commission on January 11, 2016 and the Swim Pool Commission on January 21, 2016. Also, the building permit was received on January 19, 2016 and the DEP Permit verifying the flood hazard area design flood elevation for the community pool upgrade project for phase II.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Mayor DiMura reported that the Board of Health request to amend Chapter 383 of the Borough Code to change the smoking age to 21 will be tabled and Councilman Kaplan will discuss at the February 9, 2016 Regular Meeting.
4. Public Works/Parks/Sanitation/Recycling
  - A. Councilman Corley commended the DPW for their hard work done during the storm and the great job that was done.
5. Police/Legal/Code Enforcement/Construction/Municipal Court

- A. Councilman Mikolajczyk moved the approval of the December, 2015 Police Department Report, December, 2015 Construction Report and the 2015 Annual Construction Report seconded Madden and carried by a unanimous vote of Council.
  - B. Councilman Mikolajczyk reported that the Building Inspector had requested to change his hours, as the hours for his full time job had changed. Council approved the change in his work hours.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent

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## REPORTS

### Mayor

1. Sewer Ordinance Update – Mayor DiMura met with the business group regarding the Sewer Ordinance before the holidays and discussed their concerns about this issue. Mayor DiMura has been meeting with our professionals to prepare a plan of what is needed to be done to fix the sewer system and the funds involved. Mayor DiMura should have numbers by the end of the week and will bring this information to the February 9, 2016 Regular Meeting to discuss and move forward with a proposed amendment to the sewer ordinance. Mayor DiMura intends to meet with the business association prior to the February 9, 2016 Regular Meeting to discuss with them.
2. Schedule Budget Meeting – Mayor DiMura scheduled a budget meeting for February 6 from 9am – 2pm with the entire council. They will then have the opportunity to speak with every department head on an individual basis. Mayor DiMura's goal is to introduce the budget at the February 23, 2016 Regular Meeting. Councilman Schueler requested that if council has any questions prior to this meeting regarding the budget to please contact him.

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The Borough Clerk read the following resolution:

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

### **Consent Agenda 2016(B)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #27-16, Resolution #28-16 and Resolution #29-16 from this Consent Agenda.

**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 resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #18-16 – Resolution #26-16

Councilman Schueler a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #18-16**

**WHEREAS**, an application has been filed for a Place to Place Transfer of Plenary Retail Package License #1211-44-005-002, issued to Rikjo Liquors Inc. for premises heretofore located at 708 Union Avenue, Middlesex, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

**NOW, THEREFORE BE IT RESOLVED** that the Middlesex Borough Governing Body does hereby approve, effective March 1, 2016, the Place to Place Transfer of the aforesaid Plenary Retail Package Licensed premises, from its former location at 708 Union Avenue, Middlesex, New Jersey to its new location at 1323 Bound Brook Road, Middlesex, New Jersey, and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 1323 Bound Brook Road, Middlesex, New Jersey".

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The Borough Clerk read the following resolution:

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

**Resolution #19-16**

**RESOLUTION APPOINTING JOHN MADDEN AS THE MAYOR'S REPRESENTATIVE AND VIC CAPOLUNGI AS THE GOVERNING BODY REPRESENTATIVE TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR 2016**

**WHEREAS**, it is necessary for the Borough of Middlesex to appoint a representative to the Middlesex County Housing & Community Development for the year 2016; and

**WHEREAS**, the Borough of Middlesex is authorized to have a representative appointed to this Committee, one to be appointed by the Mayor and one to be appointed by the Governing Body; and

**WHEREAS**, the Mayor has appointed John Madden as his Class I representative to the Housing and Community Development Committee for 2016; and

**WHEREAS**, the Governing Body has appointed Vic Capolunghi as their representative to the HUD Committee.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. The Mayor hereby appoints John Madden as the Class I representative and the Governing Body hereby appoints Vic Capolunghi as its representative to the Middlesex County Housing & Community Development Committee for the year 2016.
2. The Borough Clerk is hereby authorized and directed to send a letter to the Housing & Community Development Committee advising the Committee of names, addresses and telephone numbers of the two people who will be serving as representatives for the Borough of Middlesex to the Housing & Community Development Committee for 2015.
3. This resolution shall take effect immediately.

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The Borough Clerk read the following resolution:

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

**Resolution #20-16**

The By-Laws as have been previously adopted are to remain in full force to govern the 2016 Governing Body or until further action is taken.

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The Borough Clerk read the following resolution:

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

**Resolution #21-16**

The Tax Collector is hereby authorized to issue a check in the amount of \$40,859.46 to redeem tax sale certificate #2009-1734, Block 301, Lot 35, 529 Cook Avenue. The check is to be made payable to:

Sequoia Investments  
PO Box 5600  
Woodbridge, NJ 07095

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The Borough Clerk read the following resolution:

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

**Resolution #22-16**

The Tax Collector is authorized to transfer the 2015 taxes paid on the following mother property to the newly assigned individual property and to cancel the taxes on the mother property:

<b>FROM</b>	<b>TO</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
314/35	314/35/C002	606 Voorhees Ave	\$2,367.98

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The Borough Clerk read the following resolution:

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

**Resolution #23-16**

The Governing Body hereby agrees to surplus and scrap (1) 2001 Savin Digital 2055DP copier w/20binsort/stapler, Serial No. H4715601031. The machine no longer functions and parts are no longer available for repairs.

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The Borough Clerk read the following resolution:

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

**Resolution #24-16**

The Mayor and Council hereby accept Charles Sebastian Jr.'s retirement effective February 1, 2016 and agreed to reimburse him the amount of \$11,301.60 for the following benefits.

28 Unused Vacation Days	\$ 7,445.76
14.5 Unused Sick Days	\$ 3,855.84
TOTAL	\$ 11,301.60

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The Borough Clerk read the following resolution:

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

**Resolution #25-16**

The Mayor and Council hereby approve the payment of \$5,839.68 to the Estate of Robert Kosior for his unused 2016 Vacation time.

21 Unused Vacation Days	\$ 5,839.68
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The Borough Clerk read the following resolution:

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

**Resolution #26-16**

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, New Jersey that the disbursing officers be and are hereby authorized to refund escrow monies to close the following escrow accounts:

BLOCK/LOT	NAME	AMOUNT	ACCOUNT #
86.04/14	Michael Salvatore 7 Douglass Lane	\$ 702.13	680060522

including interest to date of refund.

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The Borough Clerk read the following resolution:

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

**Resolution #27-16**

**RESOLUTION AUTHORIZING STATE CONTRACT  
PURCHASE OF BARRACUDA ENERGIZE UPDATES FOR BACKUP UNITS FOR THE  
POLICE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Energize Updates for backup units 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**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of Barracuda Energize Updates is \$3,862.32; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Energize Updates is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$3,862.32 are available in Account No. 01-2010-20-1401-062.

Councilman Madden a motion to table Resolution #27-16 seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #28-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF  
BARRACUDA INSTANT REPLACEMENT FOR THE POLICE DEPARTMENT BACKUP  
SYSTEM**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Instant Replacement for the Police Department backup system 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**, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

**WHEREAS**, the cost for the purchase of the Barracuda Instant Replacement is \$4,702.32; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Barracuda Instant Replacement is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$4,702.32 are available in Account No. 01-2010-20-1401-062.

Councilman Madden a motion to table Resolution #28-16 seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #29-16**

**RESOLUTION OF THE BOROUGH OF MIDDLESEX DESIGNATING MIDDLESEX FUND, I, LLC AS CONDITIONAL REDEVELOPER OF REAL PROPERTY LOCATED AT 220 LINCOLN BOULEVARD (BLOCK 349, LOT 8) AND 232 LINCOLN BOULEVARD (BLOCK 349, LOT 10.01)**

**WHEREAS**, the Borough of Middlesex ("Borough") has been promoting the redevelopment of certain real property identified as 220 Lincoln Boulevard, Block 349, Lot 8, and 232 Lincoln Boulevard, Block 349, Lot 10.01, as shown on the Borough's tax map (the "Property"); and

**WHEREAS**, the record owner of the Property is Naval Crest Associates, LLC (the "Property Owner"); and

**WHEREAS**, Middlesex Fund I, LLC ("Middlesex Fund") has proposed to redevelop the Property by finding a new tenant for the existing Pathmark located on the Property and by making improvements to said Property pursuant to a plan to be mutually acceptable to Middlesex Fund, Property Owner, and the Borough; and

**WHEREAS**, Middlesex Fund has entered into an agreement with the Property Owner wherein Middlesex Fund shall have the exclusive right to secure any and all approvals for the redevelopment of the Property; and

**WHEREAS**, said proposal has been reviewed and found to be consistent with the goals of the Borough for redevelopment of the Property; and

**WHEREAS**, the Borough wishes to designate Middlesex Fund as the Conditional Redeveloper of the Property, subject to execution of a redevelopment agreement which is acceptable to the Borough within 90 days of the date hereof; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, that Middlesex Fund I, LLC is hereby designated the Conditional Redeveloper of the Property, subject to execution of a redevelopment agreement acceptable to the Agency within 90 days of the date hereof and subject to Middlesex Fund establishing an escrow account for the redevelopment project; and

**IT IS FURTHER RESOLVED**, that none of the approvals or designation contained in this Resolution shall become effective until such time as the aforementioned redevelopment agreement is fully executed by the Borough of Middlesex and Middlesex Fund, I, LLC.

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

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

**Resolution #30-16**

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.

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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## PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments.

Frank Ryan, 303 Maple Street stated that over the past weekend the DPW did a good job with the snow plowing. Mr. Ryan also made the following recommendations to the governing body: (1) Have the governing body reevaluate opening the Recycling Center at 6 AM; (2) Reinforce putting garbage in cans, so that we can eliminate twice a week pickup; (3) Use manpower that works on twice a week pickup in other areas, particularly the ballfields; (4) Look at the chips dumped in a circle next to the exit driveway of the building; and look into who makes these decisions; (5) Look at the garbage that is being left outside of rental properties and hold the landlords accountable; and (6) Try to keep taxes down. Mr. Ryan also stated that "if Mayor DiMura puts in as much work as Mayor as he did with the Victor Crowell Park Committee, I know you will do a good job".

Mayor DiMura indicated that the Code Enforcer will prepare an ordinance to present to her liaison regarding garbage left at rental properties.

Patrick O'Connell, 728 Voorhees Avenue spoke regarding the roofing job that was started at the end of the summer for the Board of Education. He works for a vendor for GAF Roofers and there is now a program for solar from PSE&G and GAF and they will put free roofs on buildings. He feels that Mauger and the High School are possible candidates for this program and would like to hold a meeting with someone to discuss this program. Mayor DiMura indicated that he would discuss this matter with Mr. O'Connell.

Steve Mavrianos, Mountainview Diner congratulated Mayor DiMura on being sworn in as mayor. Mr. Mavrianos was upset that he has gotten three separate sewer bills in the last three months and the fees that he was being charged. He said that he is paying four times the amount on his bills. Mr. Mavrianos also questioned why we owe so much money to Piscataway. Mayor DiMura indicated that the flow costs for sewer is roughly 1.6 million dollars yearly. Part of the bill (\$600,000) is from Piscataway, of which \$300,000 of that bill is a surcharge that they charge us to use their system. Mayor DiMura stated that is why we are putting a plan together to upgrade our system, put a pump station across the tracks and break away from Piscataway. Mayor DiMura indicated that his goal is to simplify the process, make it fair and move on from

that point. Mayor DiMura stated that he would meet with Mr. Mavrianos to discuss his sewer bills with him.

Richard Malt, 309 D Street sent a letter to the borough to dispute the sewer bill for Pumping Services and he has not yet received a response. Mayor DiMura said that he and the Tax Collector have gone over these bills and he should hear from them shortly.

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### **AGENDA WORKSHOP ITEMS**

1. An Ordinance establishing and Adding Chapter 104, Public Parks and Fields Committee – Mayor DiMura indicated that this Committee will deal with all the parks and fields in the borough and they will come up with items and suggestions for the governing body to approve. The Council discussed the 5 year appointment terms for this committee, and Mayor DiMura is recommending this term to provide stability on the committee. Council approved introducing this ordinance at the next meeting.
2. Economic Development Committee – Mayor DiMura will be appointing members to this advisory committee which would include 5 business owners and 4 residents who will be looking to get input from the business owners and residents to promote our community and to also get input regarding what type of development and businesses are needed in the borough. The mayor hopes to work hand in hand with the community and form a partnership with the residents. Mayor DiMura is recommending a 5 year appointment term. Councilman Madden would like to see this committee look into a buy local ordinance, similar to what is done in Hillsborough. This ordinance will be introduced at the February 9, 2016 Meeting.
3. Liaison Responsibilities – Mayor DiMura mentioned that the liaison is a go between with the governing body and department head. The liaison is required to bring back information from the department head for discussion. Mayor DiMura will require the liaison's approval before any financial requests are forwarded to the finance committee for review and approval. This will streamline the process, and keep the liaison informed so that they are able to explain any requests that are made by the departments that they are responsible for.

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### **PUBLIC COMMENTS ON AGENDA WORKSHOP ITEMS**

Mayor DiMura opened the Public Portion of the meeting for any comments on the Agenda Workshop items.

Rich Malt questioned if the borough already had a buy local ordinance. Mayor DiMura indicated that Councilman Madden is speaking about a program that is administered by a third party

where each resident gets a credit card and every business accepts this card and entitles this business to get a credit on their taxes.

Frank Ryan, 303 Maple Avenue questioned the park committee and qualifications of members and how it will function. Mayor DiMura feels that the members on the committee need to have knowledge of parks and fields and will have access to bring in a professional for input. They will make recommendations to the governing body of what to do with our parks. Mayor DiMura would like to hear input from our committee to improve our community.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting on Agenda workshop items.

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### **ADJOURNMENT**

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Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Madden and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk