

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
SEPTEMBER 27, 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
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

---

**PRESENTATIONS-NONE**

---

**APPOINTMENTS-NONE**

---

**PROCLAMATIONS**

The Borough Clerk proclaimed October 10, 2016 "Put the Brakes on Fatalities Day"

**PROCLAMATION  
PUT THE BRAKES ON FATALITIES DAY®  
OCTOBER 10, 2016**

**WHEREAS**, Across the nation, traffic crashes caused 35,092 fatalities in 2015 and are the leading cause of death for young people ages 15 to 34; and,

**WHEREAS**, In New Jersey, 562 individuals lost their lives in traffic crashes in 2015; and,

**WHEREAS**, Alcohol-related crashes accounted for 28 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

**WHEREAS**, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

**WHEREAS**, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and,

**WHEREAS**, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

**NOW, THEREFORE**, I Ronald J. DiMura, Mayor of the Borough of Middlesex, Middlesex County, New Jersey, do hereby proclaim October 10, 2016, as Put the Brakes On Fatalities Day®, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

---

The Borough Clerk proclaimed Christine DiNizo the Middlesex Elks "Citizen of the Year"

## ***PROCLAMATION***

**WHEREAS**, Christine DiNizo has been a Middlesex resident for 25 years and has been married to her husband Nick for 30 years. They have two children, Candace, 17 and Nick 20. Christine attended University of South Carolina, and graduated from Kean University with a degree in education; and

**WHEREAS**, after graduating college Christine taught Middle School and High School Physical Education and Health in Scotch Plains and is currently a Pre-School Teacher and program coordinator at the Middlesex Recreation Center where she has worked for 10 years; and

**WHEREAS**, Christine started her career of volunteer work over 20 years ago and has coached various teams: Soccer, T-Ball, Softball, Baseball and Basketball for Middlesex Recreation and travel teams for both boys and girls; and

**WHEREAS**, Christine began volunteering with Parker School PTO in 2002 and has held various board positions on Parker School and Mauger School PTOs, as well as Middlesex High School Booster Club. Christine is a member of Project Graduation and the Rescue Squad Auxiliary, and was on the 100<sup>th</sup> Anniversary of Middlesex Borough Committee; and

**WHEREAS**, Christine was the co-chair of the fundraising committee for Middlesex Pop Warner, organizing a multitude of events, acquiring many local and corporate sponsors. Christine's efforts, along with those of the committee members helped fund a large part of the cheerleading organization's trip to National Competition in Disney, twice; and

**WHEREAS**, Christine also uses her skills to fundraise and organize events for local families affected by catastrophic illness, victims of Hurricane Sandy and other flood emergencies; and

**WHEREAS**, fundraising and charity work is a family affair for the DiNizo's. When there is a need for fundraising, or community organizing, Christine is the first one to get on board. Christine gives selflessly of herself to this community.

**NOW, THEREFORE, I, Ronald J. DiMura**, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to congratulate Christine DiNizo as the Middlesex Elks "Citizen of the Year" and hereby set my hand and the Seal of the Borough of Middlesex to be affixed on this 24th day of September, 2016.

---

The Borough Clerk recognized Cindy Chomen by Proclamation for her 42 Years of Service to the Middlesex Police Department.

## **PROCLAMATION**

**WHEREAS**, Cindy Chomen was appointed on November 11, 1974 as a Police Secretary to the Middlesex Police Department; and

**WHEREAS**, Cindy also served as a Police Matron during her many years of service as well as the Secretary to the Middlesex Borough Drug Alliance since 1992 and the Borough of Middlesex/Borough of Dunellen Juvenile Conference Committee since 1978; and

**WHEREAS**, remarkably Cindy has worked for five (5) of the six (6) appointed Chiefs of Police in Middlesex Borough; Chief Andrew Simpf, Chief Sylvester Conrad, Chief James I. Benson, Chief Craig S. Young, and Chief Matthew P. Geist; and

**WHEREAS**, Cindy retired from full-time employment on July 1, 2010 (almost 36 years), and returned in a part-time capacity until her retirement on March 1, 2016 (almost 42 years); and

**WHEREAS**, Cindy Chomen has dutifully supported the mission of the Middlesex Borough Police Department and efficiently, effectively, and fairly, provided the highest quality services to the citizens of Middlesex Borough for nearly forty-two (42) years.

**NOW, THEREFORE, I, Ronald J. DiMura**, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to recognize Cindy Chomen for her service to our Police Department and to the citizens of Middlesex Borough and hereby set my hand and the seal of the Borough of Middlesex to be affixed on this 30th day of September, 2016.

---

## **NEW BUSINESS**

The Borough Clerk read Ordinance No. 1899-16 by title for introduction:

### **ORDINANCE NO. 1899-16**

**CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY, IN AND FOR THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; AND APPROPRIATING \$614,202.14 FROM A COMBINATION OF THE FUND BALANCE AND CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements or purposes described in Section 2 of this capital ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sums of \$612,702.14 from the Borough fund balance and \$1,500.00 from the Borough Capital Improvement Fund, for the payment of said improvements or purposes stated in Section 2 hereof.

**SECTION 2.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are Police: alcohol measurement instrument, replace OC - MK3 and MK9, patrol car radar unit replacement, bullet proof vests and modular UPS revitalization service; Garage: garbage trucks #s 1 and 2; Roads: portable trailer mounted steam cleaner; Rescue Squad: power load cot fastening system; Recreation: Haverstick slide replacement; Buildings and Grounds: municipal building upgrade and new postage machine; Stream Cleaning: stream cleaning; and Mill and Overlay: mill and overlay. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

**SECTION 3.** The capital budget of the Borough is hereby amended to conform with the provisions of this capital ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 4.** This capital ordinance shall take effect in accordance with applicable law.

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

---

The Borough Clerk read Ordinance No. 1900-16 by title for introduction:

**ORDINANCE NO. 1900-16**

**BOND ORDINANCE PROVIDING FOR MILLING AND PAVING OF ROADS BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$300,000, which sum includes \$15,000 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$300,000 appropriation not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are milling and paving of Borough roads. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$285,000.

b. The aggregate estimated cost of said improvements and purposes is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of \$15,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New

Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$285,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$285,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. Councilman Madden made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

---

### **PUBLIC HEARING**

The Borough Clerk read ordinance No. 1896-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE 1896-16**

#### **AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO BOROUGH CANDIDATES AND POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF MIDDLESEX.**

**WHEREAS**, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

**WHEREAS**, pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions, and that the recipient of such a contract can make during the term of a contract; and

**WHEREAS**, in the interest of good government, the people and the government of the Borough of Middlesex desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

**WHEREAS**, it shall be the policy of the Borough of Middlesex to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Middlesex;

**NOW, THEREFORE, BE IT HEREBY ORDAINED**, by the Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey, as follows:

**Section I:**

As used in this Ordinance, a "Business Entity" whose contributions are regulated by this Ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm, corporation, professional corporation, partnership, limited liability company, organization, association and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such entity, in the aggregate, and their spouses and child/children; (v) any organization or association who has received or infeasibly acquired the right to receive, from a person that is described in subparagraph (i) above, more than \$150,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gift(s), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate of a business entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

## **Section II:**

Notwithstanding the provisions of any other law to the contrary:

**(a)** the Borough shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the municipality with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded; and

**(b)** a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Borough, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded, during the term of that contract.

No such committee shall accept such a contribution from a business entity during the term of its contract with the municipality.

**SECTION III:**

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION IV:**

All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance is/are hereby repealed to the extent of such inconsistencies.

**SECTION V:**

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Borough Council and shall be published as required by law.

Mayor DiMura opened the public hearing on Ordinance No. 1896-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

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

---

The Borough Clerk read ordinance No. 1897-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1897-16**

**AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE TO INCLUDE ARTICLE III REGULATING OF BAMBOO, SECTION 317-16 – SECTION 317-20 IN THE CODE OF THE BOROUGH OF MIDDLESEX**

**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:

**ARTICLE III  
REGULATING OF BAMBOO**

**§317-16 Purpose.**

This Ordinance is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Middlesex and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

**§317-17 Regulation of the Planting, Growing or Cultivating of Bamboo.**

Subject to certain exemptions set forth in this Ordinance, no persons, residents, citizens, property owners and/or tenants of property within the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Middlesex, except for:

1. Where the root system of such bamboo plant(s) is/are entirely contained within an above ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted,
2. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than fifteen (15) feet from any property line, and shall not be permitted whatsoever in the front yard area of any property.

**§317-18 Exemptions.**

This Ordinance shall not apply to any land owner or possessor of said land who, prior to the effective date of this Ordinance, has planted or caused to grow any bamboo on any property within Borough limits unless the code enforcement officer determines on her own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such land owner or any possessor of said land. If such occurs, the provisions of Section D, herein, shall apply.

**§317-19 Complaint Notice, Order for Removal and Compliance.**

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another land owner, or tenant in possession of the property, or both, the Borough shall cause Notice to be served and the following actions occur:

1. The Notice shall be mailed by Certified Mail, Return Receipt Requested, properly addressed and with sufficient postage, and also by First Class mail. Notice by Certified Mail and by First Class mail shall be deemed complete on the date dispatch.
2. The Notice shall specify the general nature of the violation(s).

3. The Notice shall state that the violation(s) must be corrected within twenty (20) calendar days from the date of dispatch of such Notice
4. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

**§317-20 Penalties.**

A person deemed to have violated any provisions of this Ordinance shall be fined as outlined in §317-13 herein. If the violation is not remedied within the time set forth in the aforesaid Notice, the provisions of §317-14 shall apply.

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 with law.

Mayor DiMura opened the public hearing on Ordinance No. 1897-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

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

---

The Borough Clerk read ordinance No. 1898-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**ORDINANCE NO. 1898-16**

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY  
AMENDING THE BOROUGH ZONING CODE CHAPTER 420,  
ARTICLE VIII, PERFORMANCE STANDARDS, ARTICLE IX  
SIGNS AND DEFINITIONS**

**WHEREAS**, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq., grants to municipalities the power to adopt a Zoning Ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

**WHEREAS**, over the past several years there have been significant changes in the lighting industry which make it easier to limit light spillage, accurately direct light to where it is needed, and reduce electrical usage while still providing the appropriate lighting for residential, business and recreational uses; and

**WHEREAS**, the Borough desires to update its Ordinances regarding lighting to provide an appropriate balance between the need for lighting in certain circumstances and the desire to reduce glare, prevent intrusion of unwanted light into neighboring properties, and protect the safety of our citizens where light glare may create safety issues such as on public roadways; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

**SECTION 1.** The following shall replace Borough Code §420-60 F, regarding performance standards and glare:

F. Lighting:

(1) Purpose. Regulation of outdoor lighting and recreational lighting is necessary to prevent the cause of unnecessary sky glow, to prevent light intrusion and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent properties and motorists from negative lighting impacts.

(a) All municipally owned property shall be exempt from the provisions of the lighting section of this ordinance.

(2) Standards. All outdoor light fixtures installed and thereafter maintained, shall comply with the following requirements:

(a) The maximum height of all light fixtures shall not exceed fifteen (15) feet, except in commercial and industrial properties the height of light fixtures shall not exceed twenty-five (25) feet.

(b) Site lighting shall not include any up lighted fixture, however decorative landscape lighting shall be permitted provided it is shielded to prevent light intrusion and glare.

(c) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(d) Any business or commercial process producing intense glare or flashing lights shall be performed within a completely enclosed building and in such a manner that no glare shall disseminate beyond the building.

(f) Exception: Light fixtures used to illuminate the State or the National flag mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.

(g) Only shielded light fixtures shall be used. Any fixture mounted above ten (10) feet shall have no more than ten (10%) percent of its light distribution at a vertical angle of eighty (80) degrees above nadir (the lowest point) and two and five-tenths (2.5%) percent at an angle of ninety (90) degrees above nadir (the lowest point).

(h) Where used for commercial and industrial purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and shall comply with the following:

[1] Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure, however monument type signs may be lit from the ground provided adequate shielding is provided around the ground light to prevent glare and light intrusion [2] All other outdoor lighting shall use shielded light fixtures.

(i) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 8th Edition, as amended from time to time. These regulations provide the maximum permissible light level, it may be appropriate to use lighting levels less than the maximum specified in the IESNA.

(j) The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:

[1] All outdoor lighting, during non-operating hours of the business on site, and not necessary for safety and security purposes shall be reduced, activated by motion-sensor devices or turned off. Building mounted business identification and trademark signs may remain on beyond business hours, however freestanding signs shall be turned off after business hours.

[2] All lighting shall be designed to prevent misdirected or excessive artificial light.

(k) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(l) Luminance requirements.

[1] Street Lighting. Average maintained luminance shall not exceed IESNA recommendations. IESNA average to minimum luminance uniformity ratios are to be used for design roadway lighting.

[2] Outdoor Parking Facilities. Average maintained luminance and uniformity ratios shall not exceed IESNA recommendations.

[3] Walkways. Maximum average foot-candles shall be as follows:

(i) Sidewalks (roadside):

a. Commercial: one and zero-tenths (1.0).

b. Residential: two-tenths (0.2).

[4] All outdoor lighting on commercial or industrial properties that are adjacent to or across the street from residential districts and/or residential uses must employ

lighting techniques to mitigate the impact of the outdoor lighting on the residential districts or uses.

(m) The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area

(n) Floodlight-type fixtures shall be prohibited except in residential properties where flood lights on motion sensors may be used for home security purposes.

(o) Freestanding lights shall be so located and protected to avoid being damaged by vehicles.

(p) The maximum illumination at property lines shall be one-tenth (0.1) foot-candle at grade.

(q) All wiring shall be laid underground.

(r) No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating or other intermittent operation.

(s) Bare bulbs, tubes and rope lights and strip lights are prohibited.

(t) Light Intrusion. No single standard for glare or light intrusion is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

**SECTION 2.** The following shall be added to Borough Code § 420 -61(D) (2) (e) regarding the illumination of signs:

[1] Internally illuminated signs shall have characters, letters, figures and designs which are illuminated by electric lights as part of the sign proper.

[2] Signs lit by external sources shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.

[3] External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

[4] No electric wiring associated with a sign shall be visible to public view.

[5] No signs using bare bulbs, rope lights, tubing or strip lights shall be permitted.

[7] No sign shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.

[8] No electric message centers shall be permitted and no other sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.

[9] Signs on municipally owned property are exempt from the provisions of this ordinance.

[10] Business signs may be either internally or externally illuminated however no business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type. All lighted signage used by any business or commercial establishment within the RT zone shall be extinguished no later than 10:00 pm.

**SECTION 3.** The following shall be added to Borough Code § 420 -61 (E) (9) Prohibited Signs and Sign Features.

420-61.E (9) . Prohibited Signs and Sign Features. No business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type.

**SECTION 4.** The following shall be added to the definition section of the Zoning Ordinance in the Borough Code at §420-7:

**ELECTRONIC MESSAGING CENTERS** - Any sign or portion of a sign that uses changing lights to form a sign message or messages in text or graphic form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**SECTION 5.** 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 6.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such a holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION 7.** This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor DiMura opened the public hearing on Ordinance No. 1898-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

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

---

## ADOPTION OF MINUTES

Councilman Corley moved to approve the September 13, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, and Schueler. No: None. Abstain: Mikolajczyk.

---

## REPORTS

### Mayor

1. Special Meeting to Interview Potential Recreation Director – Tuesday, October 4, 2016 – Mayor DiMura mentioned that interviews for the Recreation Director will be done by the end of the week and would like to hold a Special Meeting on October 4, 2016 to interview the potential candidate, so that the prospective replacement can have some time to train with the Recreation Director before she leaves on October 28. Council approved to hold this Special Meeting on October 4.
2. Mayor DiMura suggested to council that the borough paint a blue line in front of the Police Department to show a sign of support for our Police Department, as this is being done in other towns throughout the State. Councilman Mikolajczyk requested that the line begin at the corner of Route 28 and Mountain Avenue and go up to the Police Department, as that would also cover support for the Rescue Squad. Council approved this blue line, but agreed not to spend in excess of \$1,000.

---

### REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
  - A. Budget Status – Councilman Schueler mentioned that The Finance committee met and reviewed the budget as of the end of August. We are at about 72% of the current budget, this is due to some expenses we pay up front and are not spread over the entire year such as Workers Comp and Liability insurance. We have some issues with some of the credits to the individual budget lines. We also have some questions about whether some revenues or recoveries are being re credited back to the budget lines. We will be meeting with the CFO/Treasurer prior to end of October so we can determine what potential transfers are needed.

We have asked for the prospective budgets for 2017 the Administrator has indicated we should have by October 15.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report
3. Fire/OEM/Board of Health/Rescue Squad/Flood

- A. Councilman Kaplan recognized the resignation of Ed Winters, Jr. as Captain of Parker Engine & Hose Company No. 4 effective 9/25/2016. Councilman Kaplan did report that Mr. Winters would continue as a Borough fireman and a replacement as Captain will be elected in October.

4. Public Works/Parks/Sanitation/Recycling

- A. DPW has renovated the Gazebo at Mt. View Park by adding sidewalks to access the Gazebo from the sidewalks on Rt. 28 , they have also power washed and painted the Gazebo and added additional seating inside by extending the benches, they also added new landscaping and flower baskets.
- B. DPW assisted with set up, maintenance and cleanup for Community Day and National Night Out and also inspects and cleans parks on a daily basis.
- C. DPW has cleaned, edged and mulched Fitzsimmons and Cook Field playgrounds and did new landscaping around monument by flagpole at Cook Field.
- D. DPW has started its basin cleaning program and will be working on this through the Fall season.
- E. DPW will be starting crosswalk line striping around school areas and other various spots throughout the Borough.
- F. DPW has replaced existing manhole covers with locking water tight covers at river road and Raritan Ave. locations as per DEP
- G. Just a reminder twice a week garbage will end as of Sept. 2<sup>nd</sup> and once a week garbage will be in effect as of the week of Sept. 5, 2016
- H. Just a reminder for bulk pickups there are only 7 left for the year, they will end as of Wed. Oct. 26, 2016 / All pickups are done by appointment only! / One (1) pickup per household per year!
- I. Councilman Schueler also commented on the nice job that was done by the DPW with the cleaning of the corner of Ashland Road and Raritan Avenue.

5. Police/Legal/Code Enforcement/Construction/Municipal Court

- A. Budget Review - Councilman Mikolajczyk reported on the Court and Police Department budgets. The Police Department is a couple thousand dollars over or under, depending on the timing of the hiring of a new police officer and the Court will be over budget, due to office supplies. The Construction Department is under budget. Councilman Kaplan indicated that to date overtime has been low in the Police Department, we have only spent \$40,000, and have a budget of \$130,000. Councilman Kaplan reported that he will be meeting with the Mayor and Chief and then report back to council.

6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

---

The Borough Clerk read the following resolution:

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

**Consent Agenda 2016(V)**

**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 #196-16, Resolution #205-16, Resolution No. #206-16 and Resolution #210-16 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 #195-16  
Resolution #197-16 - #204-16  
#207-16

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

---

The Borough Clerk read the following resolution:

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

**Resolution #195-16**

The governing body hereby hires Dan Nero as the part time plumbing inspector for six hours per week at \$40.00 per hour effective immediately, pending a satisfactory background check.

---

The Borough Clerk read the following resolution:

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

**Resolution #196-16**

The governing body hires David J. Ruitenbergh, 51 Route 23 South, P.O. Box 70, Riverdale, New Jersey 07457 at \$150.00 per hour, with a maximum of \$25,000 to be spent on the Piscataway sewer billing litigation.

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

---

The Borough Clerk read the following resolution:

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

**Resolution #197-16**

The governing body hereby approves to surplus the 2004 4-Door Dodge Durango, Vin 1D4HB 48N74 F2085 50, 1992 4-Door Chevy Caprice Vin #1G1BL53E7NW150799, and 2011 4-Door Ford CV Vin #2FABP7BV6BX109322.

---

The Borough Clerk read the following resolution:

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

**Resolution #198-16**

The governing body hereby hires William Hughes and Thomas Ritchie of Middlesex, New Jersey as School Crossing Guards for the Middlesex Police Department at \$14.25/hour effective immediately. These individuals have been investigated by the Police Department and have met all the requirements for the position of School Crossing Guard.

---

The Borough Clerk read the following resolution:

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

**Resolution #199-16**

The Tax Collector is hereby authorized to refund an overpayment in the amount of \$1100.92 on Block 285, Lot 60, 758 Voorhees Avenue. The assessment was reduced to property only while a house was constructed and the mortgage company overpaid.

The check is to be made payable to:

Wells Fargo Home Mortgage  
1 Home Campus  
MAC X2302-04D  
Des Moines, IA 50328

---

The Borough Clerk read the following resolution:

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

### **Resolution #200-16**

**WHEREAS**, the residents of Wilson Street have requested to have a block party between Washington Avenue and Locust Avenue/Venice Avenue on October 9, 2016 between the hours of 1 p.m. and 5 p.m.; and

**WHEREAS**, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of Wilson Street to conduct a block party between Washington Avenue and Locust Avenue/Venice Avenue on October 9, 2016 between the hours of 1 p.m. and 5 p.m.
2. This resolution shall take effect immediately.

---

The Borough Clerk read the following resolution:

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

### **Resolution #201-16**

**WHEREAS** a Uniform Construction Code (UCC) Order pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32 was issued on January 5, 2015 for unsafe condition located at 105 William Street Block 291 Lot 50 within the Borough of Middlesex; and

**WHEREAS** the UCC Order required the unsafe conditions pertaining the unsafe structure/imminent hazard located at 105 William Street, Block 291 Lot 50 within the Borough of Middlesex be corrected by February 5, 2015; and

**WHEREAS** the UCC Order stipulated that failure to correct the unsafe condition or refusal to comply with the Order would assess penalties of \$2,000 per week; and

**WHEREAS** the owner of record of said property being GPP House c/o Globex having failed to comply with the UCC Order; and

**WHEREAS** the additional entities, William Partners, LLC and Preferred Acquisitions, LLC also having interest in the property have failed to comply with the UCC Order; and

**WHEREAS** under N.J.A.C. 5:23-2.32(a).5 this Order is permitted to become a lien on said property for \$172,000 as of September 16, 2016; and

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

1. The amount of \$172,000 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
  2. The Tax Collector's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
  3. This Resolution shall take effect immediately.
- 

The Borough Clerk read the following resolution:

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

**Resolution #202-16**

**WHEREAS**, the residents of Fairview Avenue have requested to have a block party between Mohawk Avenue and Delaware Avenue on October 22, 2016 between the hours of 1 p.m. and 11 p.m.; and

**WHEREAS**, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of Fairview Avenue to conduct a block party between Mohawk Avenue and Delaware Avenue on October 22, 2016 between the hours of 1 p.m. and 11 p.m.
  2. This resolution shall take effect immediately.
- 

The Borough Clerk read the following resolution:

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

**Resolution #203-16**

The Governing Body accepts the resignation of Eileen Rourke as a School Crossing Guard with the Middlesex Police Department.

---

The Borough Clerk read the following resolution:

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

**Resolution #204-16**

At the request of the Police Chief, Barbara Lupinski is hereby relieved of her duties as a School Crossing Guard with the Middlesex Police Department effective September 16, 2016.

---

The Borough Clerk read the following resolution:

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

**Resolution #205-16**

The governing body hereby accepts the resignation of Dina Fornataro-Healey from the Recreation Department effective October 28, 2016.

Mayor DiMura stated that Dina Fornataro-Healey has gotten a great opportunity to move on to another job and he, along with the council, concurred that she will be sorely missed.

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

---

The Borough Clerk read the following resolution:

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

**Resolution #206-16**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH ACRISURE LLC D/B/A NORTH AMERICAN INSURANCE MANAGEMENT (“NAIM”) FOR RISK MANAGEMENT AND INSURANCE CONSULTING SERVICES, AS AN EXCEPTION TO THE COMPETITIVE PUBLIC BIDDING PROCESS UNDER N.J.S.A. 40A:11-5(M) PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A 19:4A-20.4**

**WHEREAS**, the Borough of Middlesex requires the services of a consultant to provide risk management and insurance consulting services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5, pursuant to the provisions of N.J.S.A. 40A:10-36; and

**WHEREAS**, such services, i.e., are Extraordinary Unspecifiable Services, are exceptions pursuant to N.J.S.A. 40A:11-5(m) and may be awarded without competitive bidding therefore; and

**WHEREAS**, said services cannot reasonably be described by written specifications; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. as amended requires that the Resolution authorizing the award of contracts which are treated in accordance with the requirements for extraordinary unspecifiable services without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, it has been determined and certified that the value of the contract will exceed \$17,500.00; and

**WHEREAS**, the Borough has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Borough Council of the Borough of Middlesex, in accordance with the Local Public Contracts Law, hereby authorizes and approves the execution of a Contract with Acisure LLC d/b/a North American Insurance Management ("NAIM") regarding the provision of Risk Management and Insurance Consulting Services beginning November 1, 2016 and terminating on December 31, 2017, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, such services being an exception under N.J.S.A. 40A:11-5(m) and in accordance with the terms of the Contract; and
2. The contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1) (a) (i); and
3. The Mayor and Borough Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Risk Management and Insurance Consulting Services on behalf of and in the name of the Borough of Middlesex; and
4. The Business Entity Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and
5. That notice of the award of this Contract shall be published in accordance with law.
6. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Acisure LLC d/b/a North American Insurance Management
  - b. Middlesex County Municipal Joint Insurance Fund
  - c. Borough Administrator

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

---

The Borough Clerk read the following resolution:

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

**Resolution #207-16**

The governing body hereby approves the Planned Detour for the Replacement of Bridge 2-B-157 along Raritan Avenue (Middlesex County Route 622) over the Ambrose Brook in the Borough of Middlesex.

---

The Borough Clerk read the following resolution:

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

**Resolution #210-16**

The governing body hereby approves hiring Peters Associates, 552 Victory Place, River Vale, New Jersey for Fire Apparatus Purchasing Consulting Services for the lease/purchase of a piece of fire apparatus for the Middlesex Borough Fire Department. The proposal includes the specification review, comparison report, committee meeting, draft specifications, a second adjustment, and preparation of the final specifications in an amount not to exceed \$2,800.

The Treasurer hereby certifies funds in the amount of \$2,800 are available in Account No. 6-01-25-265-000-138.

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

---

The Borough Clerk read the following resolution:

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

**Resolution #208-16**

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

---

**PUBLIC COMMENTS**

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

Kim Keyes, 331 Dorn Avenue stated that "While police officers are a pertinent part of our society and a public service I value whole heartedly, I would like to make a statement about painting a blue line on the road to show support. I Preface this with perspective. The support of blue lives

matters is a direct response to a civil rights issue that is occurring across the country of black lives matter. If you follow along on social media, you will know there was no hashtag for #bluelivesmatter before there were #blacklivesmatter, which sprouted from the death of men and women of brown and black complexions who were killed at the hands of police without due process of the charges they were being incarcerated for.

I come to you from the perspective of growing up in this town which wasn't very diverse, being a Latina married to an African American man, with children who are mixed. Middlesex is continuing to overcome a reputation of being a place brown people "shouldn't drive through" and where emphasis on diversity in public positions continues to be a Need. I want to emphasize that as a community we also need to be sensitive to the communities who feel voiceless with everything that is going on and how something as simple as a blue line may impact the emotions of those in our community.”

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

---

### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Waiving of Permit Fees for Commercial/Retail Properties for Certain Improvements – Mayor DiMura discussed making it more flexible for new businesses to come into the borough by allowing all new and existing businesses to pay a flat permit fee for any type of cosmetic work on the outside of their building. The Mayor indicated that we should reinvest in our community and encourage commercial and industrial businesses to reinvest in their property. Mayor DiMura requested that council making a flat permit fee that is reasonable for the permit and the Council agreed to a flat permit fee of \$150.00. Councilman Kaplan also suggested that the borough invest in mailing out post cards to all the businesses to inform them that we are reducing the cost of the permit fees in order to have them reinvest in their business and posting this change to a flat fee for a construction permit to the website. The council approved amending the ordinance at the next meeting.

---

### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

---

The Borough Clerk read the following resolution:

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

#### **Resolution #209-16**

**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. Plumber Inspector Position
2. Hiring Attorney Ruitenberg – Piscataway Sewer Billing
3. Personnel - Recreation

---

**ADJOURNMENT**

---

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

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk