

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JULY 19, 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 (absent)
	Patrick Corley
	John Madden
	Bob Schueler (absent)
	Jack Mikolajczyk
Attorney:	Aravind Aithal

PRESENTATIONS

Ms. Jenna Giaquinto, Prevention Associate with the New Jersey Prevention Network made a presentation regarding becoming tobacco-free for a healthier Middlesex Borough. Ms. Giaquinto congratulated Middlesex Borough for being the 300th Community to adopt an Outdoor Recreation Ordinance that prohibits smoking in public parks. This ordinance has already been adopted by other towns in Middlesex County, which include South Plainfield, Woodbridge, Carteret, Perth Amboy, South Amboy, Sayreville, South River, East Brunswick, Spotswood, Helmetta, North Brunswick and South Brunswick.

Ms. Giaquinto mentioned that 18 municipalities in New Jersey have adopted ordinances that raised the age of sale of tobacco to 21, which include Highland Park and Sayreville. Ms. Giaquinto discussed the facts/concerns that are beneficial to adopting this ordinance which would increase the age of sale of tobacco to 21 which include:

- (1) Tobacco use remains the leading cause of preventable death in the U.S.
- (2) The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use
- (3) 95% of adult smokers begin smoking before they turn 21
- (4) Big Tobacco directly targets kids and young adults with flavors like bubble gum, gummi bear and pina colada

- (5) Adolescents are more vulnerable than older adults to nicotine addiction, which can harm brain development
- (6) Older adolescents and young adults are a source of cigarettes to youth.
- (7) Electronic smoking device use among minors has recently tripled.

Ms. Giaquinto stated that the benefits of adopting this age of sale policy would help to lower the overall tobacco use rates by reducing and delaying the onset of tobacco use, it would reduce youth access and usage (Increase the age gap between adolescent initiating tobacco use and those who can legally provide them, keeping them out of high school, as those who start smoking by the age of 18 are almost twice as likely to become lifetime smokers as those who start after they turn 21), and it will simplify ID checks for retailers.

Ms. Giaquinto also discussed the claims against moving the age of sale to 21 which include:

- (1) Impact on Retail – (The loss of revenue for this age group (18-21 is 3% of total smokers)
- (2) Crossing Community Lines – (How Massachusetts community that adopted this ordinance decreased the smoking rates twice as much compared to other towns that had not adopted an ordinance reducing the age of sale)
- (3) Legal voting age is 18 – (Discussed working to decrease use of tobacco in the Military)

Mayor DiMura expressed his concern that young adults can go to a neighboring municipality to purchase cigarettes if the surrounding municipalities do not adopt this ordinance and it might put an unjust impact on retail businesses.

The governing body also discussed their concern with the danger of ingesting or inhaling the chemicals, the flavors, vaping, enforcing the ordinance, educational programs offered, grandfathering the present 19 – 21 year olds, and taking this privilege away from an 18 year old legal adult.

Councilman Kaplan will discuss this at the Board of Health Meeting and will get information to be given to local businesses that sell these products. Councilman Kaplan indicated that we will be providing signage for the local businesses and the County Board of Health will also visit the businesses. Councilman Kaplan stated that this is a safety factor for our children and the Board of Health is looking out for our safety and our children.

Mayor DiMura mentioned that this ordinance will be discussed further at the August 16, 2016 Regular Meeting.

Charles Wrobel made a presentation to the governing body about their approval to hold a benefit concert in Mountainview Park in 2017 and provide free beer. This will be a concert to raise money for veterans. He also spoke with the Police Department and is aware of Police coverage. He would like to have council consider having him hold the concert on the football field and would like to donate the profits to the veteran's hospital. Mayor DiMura stated that this request will be put on the August 16, 2016 meeting agenda for discussion.

APPOINTMENTS

The Borough Clerk read the following resolution:

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

Resolution #157-16

WHEREAS, Anthony Painchaud 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 Anthony Painchaud be appointed to the position of Probationary Patrolman effective July 20, 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. Anthony Painchaud is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective July 20, 2016 at an annual salary of \$51,339.00.
2. This resolution shall take effect immediately.

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

Chief Geist thanked the Mayor and Council for support with the recruit process and welcomed Anthony to their team. Chief Geist also thanked the Mayor and Council for all of their support of the Police Department.

Mayor DiMura stated that with everything going on around the country with the police we are lucky because over the past year we have a police department that has worked closely with the governing body to reach out to the community and be sure that we all work together to keep Middlesex a great and safe place to live.

Mayor DiMura indicated that every day they go out and we take for granted that it is Middlesex borough, but last week we had a drive by shooting in Dunellen. Every day that they put that uniform on they do not know what they are going to find at each call, and we are lucky to have the department that we have and that works together with us. Mayor DiMura thanked the Chief and all the members of the Department because they are doing a great job of protecting the people of Middlesex Borough.

Mayor DiMura appointed Andrea Corcoran to the Ethics Board

PROCLAMATIONS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1893-16 by title for introduction.

ORDINANCE NO. 1893-16

BOND ORDINANCE PROVIDING FOR THE 2016 CAPITAL IMPROVEMENT PROGRAM BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$1,393,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$989,780 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 \$1,393,000, which sum includes a \$353,700 grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$49,520 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 \$1,393,000 appropriation not provided for by said Grant or down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$989,780 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 \$989,780 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 as follows:

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
A. <u>Fire Department</u> Acquisition of a plow for a fire truck;	\$8,000	\$7,615	\$385	10 years

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
B. <u>Fire Department</u> Acquisition of gear and uniforms;	\$50,000	\$47,615	\$2,385	5 years
C. <u>Roads</u> Acquisition of a vertical crack filler machine;	\$42,083	\$40,075	\$2,008	15 years
D. <u>Parks</u> Acquisition of a back stop for Haverstick Field, a mower, a lip broom, a 4 x 4 work cart and a power washer and installation of athletic field lighting at Mountain View Park;	\$588,267	\$560,250	\$28,017	15 years
E. <u>Computer Data Services</u> Replacement of computer servers and improvements to the telecommunications network closet at Borough Hall, installation of WiFi at and acquisition of computers for the Police Department; acquisition of computer equipment for a dispatch station, emergency office communications and the Police Department training room/situation room;	\$180,000	\$171,425	\$8,575	5 years

<u>Description</u>	Total <u>Appropriation</u>	Debt <u>Authorization</u>	Down <u>Payment</u>	Useful <u>Life</u>
F. <u>Sewers</u> Installation of retrofits on stormwater basins throughout the Borough; and	\$35,200	\$33,520	\$1,680	40 years

The appropriations set forth above also include 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 \$989,780.

b. The aggregate estimated cost of said improvements and purposes is \$1,393,000, 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 \$49,520 plus the Grant in the amount of \$353,700.

SECTION 4. Except for the Grant, 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. Except for the Grant, 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 14.248 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 \$989,780 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 \$250,000 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 \$989,780. 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 Mikolajczyk made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read Ordinance No. 1894-16 by title for introduction.

ORDINANCE NO. 1894-16

AN ORDINANCE TO AMEND CHAPTER 301 PARKS AND RECREATION AREAS, SECTION 301-14 REGULATIONS AND FEES FOR USE OF THE PARK, TO INCLUDE SECTION 301-14C(6) 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 include the following:

§ 301-14C(6)

- (6) Maintenance fees for all baseball and/or Softball fields (resident and non-resident):
- (a) Friday evening or Saturday (single game): \$90/hr.
 - (b) Saturday doubleheader: \$90/hr.
 - (c) Sunday: \$180/hr.
 - (d) Any rentals for play exceeding three (3) games in a single day shall incur a charge of not less than \$90/hr., two (2) hour minimum. Such fees shall be estimated prior to issuance of a Permit and shall be payable at the time of Permit issuance.

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 shall take effect after passage and publication as provided by law.

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

The Borough Clerk read Ordinance No. 1895-16 by title for introduction.

ORDINANCE NO. 1895-16

AN ORDINANCE TO AMEND CHAPTER 272 MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS, 272-3 APPLICATION FEES; SECTION 272-6 APPLICATION FOR MASSAGE, BODYWORK AND SOMATIC THERAPIST'S PERMIT; REQUIREMENTS; SECTION 272-7 MASSAGE, BODYWORK AND SOMATIC THERAPIST PERMIT FEE; SECTION 272-12 PROHIBITED ACTIVITIES; REVOCATION OF PERMIT AND SECTION 272-13 VIOLATIONS AND PENALTIES 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 include the following changes:

1. § 272-3 Application Fees

Every applicant for a permit to maintain, operate or conduct a massage, bodywork or somatic therapy establishment or out call massage, bodywork or somatic therapy service shall file an application with the Board of Health upon a form provided by said division and pay a fee of \$1,000. The permit to be issued shall be valid until March 31 of the year immediately following the year that the permit was issued hereunder.

2. § 272-6 Application for massage, bodywork and somatic therapist's permit; requirements

A. To be eligible for a permit as a massage, bodywork and somatic therapist an application shall submit satisfactory evidence of:

- (1) Successful completion of a minimum of 500 hours in-class study in the field of massage, bodywork or somatic therapy; or
- (2) Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.
- (3) Proof of licensure by the State of New Jersey as is now required by N.J.A.C. 13:37-16.1 and compliance with all provisions of the state regulations governing massage therapy.
- (4) The administering of massage, bodywork and/or somatic therapies for any form of consideration by any person not licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c. 19 amended 2007, c. 337 shall be prohibited throughout the Borough of Middlesex.

B. The following information concerning the application will be required:

- (1) The name, complete residence address and residence telephone number.
- (2) The two previous addresses immediately prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, sex and color of hair and eyes.
- (5) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
- (6) The massage therapy or similar business history and experience, including but not limited to whether or not such a person has previously operated in this or another city or state under a license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department.
- (8) The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

C. Applicants for massage therapy licensure, as well as those applying to operate a massage therapy business, are required to appear before the Middlesex Borough Board of Health prior to the issuance of said license and/or permit, so that the Board of Health may review all the information submitted with the application in order to determine if the applicant qualifies for the issuance of said license and/or permit, and the Board of Health will have the final review and will decide whether or not to approve or disapprove the issuance of the license and/or permit.

3. §272-7 Massage, bodywork and somatic therapist permit fee

An applicant for massage, bodywork or somatic therapist's license shall pay a permit fee of \$100, which permit shall be valid until March 31 of the year immediately following the year that the permit was issued hereunder.

4. §272-12 Prohibited activities; revocation of permit

- A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy; relating to the commission of adultery; and proscribing fornication; nor shall any owner or manager tolerate in his or her establishment an activity or behavior which violates this chapter.
- B. Any conviction of a bodywork or somatic therapy establishment or, any employee thereof, of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of the establishment, it being specifically declared that, following such a conviction of the owner or the manager of the establishment, shall be prosecuted as an accessory to such a violation and the required permits will be automatically revoked.
- C. Hours of operation shall not commence prior to 9:00 a.m. and shall not extend beyond 9:00 p.m.

5. §272-13 Violations and penalties

Any person violating the provisions of this chapter shall, upon conviction, be punished by imprisonment for a term not exceeding 90 days or by a fine not less than \$750 for a first violation hereunder, nor exceeding \$2,500 for a first violation, or both, in the discretion of the court. A second violation of any provisions of this chapter, shall be punished by imprisonment for a term not exceeding 90 days or by a fine of not less than \$1,500, nor exceeding \$3,000, or both. A third or subsequent violation of any provisions of this chapter, shall be punished by imprisonment for a term not exceeding 90 days or by a fine of not less than \$2,500, nor exceeding \$5,000, or both.

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 shall take effect after passage and publication as provided by law.

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

ADOPTION OF MINUTES

Councilman Mikolajczyk made a motion to approve the July 12, 2016 Special Meeting Minutes seconded by Councilman Madden and carried by carried by the following roll call vote: Ayes: Kaplan, Corley, Madden, and Mikolajczyk. No: None. Abstain: None.

REPORTS – STANDING COMMITTEES:

Mayor DiMura indicated that this is the last time he is going to remind council that they are required to have their reports into the Clerk by the Thursday before the Regular Meeting to be put on the Agenda. He would like to have council either get their report/information to the Clerk for the Agenda or let the Clerk know that you do not have anything to be placed on the Agenda. If we do not list information on our agenda, we are not being transparent to the public by not informing them what will be discussed. Mayor DiMura indicated that if you have anything listed on the Agenda, the mayor will not be calling for your report.

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler was absent.
2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Madden requested that a resolution be placed on the next Agenda supporting the Police Department and all first responders.
 - B. Councilman Madden also stated that in light of the recent events he would like the Finance Committee to look for more resources for the Police Department personnel and/or equipment. Mayor DiMura indicated that the budget has been set and the Chief hopes to appoint another new officer on the next meeting. The Mayor indicated that we have done everything in the budget to support the Police Department and they are in good shape to do what they need to do.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Council President Kaplan to accept the resignation of Chris Reichert from the Middlesex Fire Department seconded by Council President Madden and carried by a unanimous vote of Council.
 - B. Middlesex Borough Flood Map – Councilman Kaplan indicated that several years ago the state changed the flood zone map in Middlesex and recently residents flood insurance has either doubled or tripled. Councilman Kaplan spoke with the Freeholders and was informed that Woodbridge challenged their flood maps and had an opportunity to hire an attorney to challenge these maps and won their challenge. Councilman Kaplan requested council's permission to look further into challenging the flood map in Middlesex Borough in order to help our residents save money. Mayor DiMura indicated that this matter will be discussed further at the August 16, 2016 Regular Meeting.
 - C. Councilman Kaplan reported that Middlesex Borough Fire Department received a pontoon boat with a motor and trailer from Middlesex County. This boat was acquired with the help of Jim Rinker and Mayor DiMura. The Fire Department will

have 10 people trained for swift water rescue. Council will go to Beechwood Fire House to look at the boat on August 30 at 7 PM.

4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court -
 - A. Councilman Mikolajczyk moved the June Police Report seconded by Councilman Madden and carried by a unanimous vote of Council.
 - B. Councilman Mikolajczyk stated that with all the tragedies involving the police in the recent news our condolences to the families involved and want to assure the public that the Middlesex Police department is keenly aware of the recent events and is prepared.
 - C. Councilman Mikolajczyk reported that on the agenda tonight was Resolution #157-16, appointing Anthony Painchaud as a Probationary Patrolman for the Borough. Welcome aboard.
 - D. Councilman Mikolajczyk stated that on Tuesday, August 2nd, 2016, residents of Middlesex Borough are invited to join forces with thousands of communities nationwide for the “33rd Annual National Night Out” crime and drug prevention event. National Night Out, which is sponsored by the National Association of Town Watch and co-sponsored locally by the Middlesex Borough Police. It involves over 16,728 communities from all 50 states. In all, over 38.3 million people are expected to participate in “America’s Night Out Against Crime.” National Night Out is designed to: heighten crime and drug prevention awareness, generate support for, and participation in local anticrime efforts, strengthen neighborhood spirit and police community partnerships, and send a message to criminals letting them know neighborhoods are organized and fighting back. The community event will be held on August 2nd, from 6 to 8:30 p.m. at Mountain View Park. The event will be co-hosted by the Middlesex Borough Drug Alliance Committee. All members of the community are invited to join in for a night of fun, games, activities, music, snacks, and giveaways in a safe, crime and drug free environment. Members of local emergency services, businesses, clubs, organizations, and PBA Local 181 will be present to help make the night an enjoyable one. The Middlesex Borough Recreation Department and The Middlesex Borough Drug Alliance Committee will be showing a movie outdoors immediately following the event. Guests are encouraged to bring blankets and lawn chairs for comfort.
 - E. Councilman Mikolajczyk reported that Community Day is this Saturday 1-9 at Mountainview Park. We have a full day of entertainment for children and live entertainment featuring local entertainers. We have approximately 30 booth spaces and a few more to come. I’ve been reporting on this for the past few months but I would be remiss to not mention that this has been a real group effort by all involved and we are looking forward to a stellar event.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent.

REPORTS

Mayor

1. Stream Cleaning Report – Mayor DiMura formed a Stream Cleaning Committee last meeting of Councilman Kaplan, Councilman Schueler and Councilman Madden and requested that they meet and present a plan at the August 16, 2016 Regular Meeting. The Clerk's Office only has received 3 applications for the stream cleaning to date and will expand on their application search.
2. Mayor DiMura is requesting that council meet with their respective department heads to review their budgets in the next 2 – 3 weeks. The treasurer will provide copies of the budgets in your mailbox.

The Borough Clerk read the following resolution:

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

Consent Agenda 2016(R)

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 #158-16 and #159-16 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 #160-16 – Resolution #163-16

Councilman Madden made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden 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 #160-16

At the recommendation of the CFO, the governing body approves Acclaim Inventory LLC, Edison, New Jersey to provide a Fixed Asset Inventory with a \$500 threshold in an amount not to exceed \$4,000.

The Treasurer certifies funds in the amount of \$4,000 are available in Account No. 6-01-35-470-000-101.

The Borough Clerk read the following resolution:

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

Resolution #161-16

WHEREAS, bids were received July 7, 2016 for 2015 NJDOT Road Improvements, South Avenue;

WHEREAS, the following bids listed below were received for this project:

Black Rock Enterprises LLC Old Bridge, NJ	\$2,025,701.58 Base Bid
Reivax Contracting Newark, NJ	\$2,251,701.00 Base Bid
Assuncao Brothers Inc. Edison, NJ	\$2,301,556.32 Base Bid
Landtek Construction LLC Piscataway, NJ	\$2,534,110.96 Base Bid

WHEREAS, the Borough Engineer recommends awarding the bid to Black Rock Enterprises LLC in the amount of \$2,025,701.58 contingent upon the Borough Attorney's review and availability of funds for this project.

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

1. Based upon recommendation of the Borough Engineer, the governing body hereby awards the bid for the 2015 NJDOT Road Improvements, South Avenue to Black Rock Enterprises LLC in the amount of \$2,025,701.58 contingent upon the Borough Attorney's review and availability of funds for this project.

The Borough Clerk read the following resolution:

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

Resolution #162-16

RESOLUTION OF THE BOROUGH OF MIDDLESEX AUTHORIZING CONTRACT CHANGE ORDERS FOR IMPROVEMENTS TO THE MIDDLESEX COMMUNITY POOL

WHEREAS, the Borough of Middlesex ("Borough") awarded a contract to Jamali Developers, LLC, of East Brunswick, NJ, for improvements to the Community Pool ("Project") in the amount of \$1,056,460.00; and

WHEREAS, additional work is required for the Project that was not included in the original scope of work outlined by the Borough and not anticipated in Contractor's proposal to the Borough; and

WHEREAS, the total change in work amounts to a total increase not to exceed \$178,588.21 for a final total not to exceed \$1,235,048.21, a 14.5% increase; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, the Borough Community Pool Commission has reviewed Contract Change Order Nos. 001, 002, 003, 004, 005, 009, 010, 014, 025, 028, 030, 033 and 038, a copy of which are on file with the Municipal Clerk's Office and made a part hereof, and recommend approving same; and

WHEREAS, there is funding available pursuant to Account No. P-06-14-852-000-101; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, that that the appropriate municipal officials be and are hereby authorized to amend the total contract amount with Jamali Developers, LLC from \$1,056,460.00 to \$1,235,048.21, and ratify and execute Contract Change Order Nos. 001, 002, 003, 004, 005, 009, 010, 014, 025, 028, 030, 033 and 038 in the amount of \$178,588.21 due to increased work required for the Project, subject to all bid specifications and contract documents.

NOW FURTHER BE IT RESOLVED that the Treasurer certifies that the unencumbered balance in funds available in Account No. P-06-14-852-000-101 in the amount of \$196,259.00 as of July 13, 2016 are sufficient to pay the cost of the contract awarded herein.

The Borough Clerk read the following resolution:

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

Resolution #163-16

WHEREAS, in order to stimulate redevelopment, the Borough Council, (the "Borough Council") of the Borough of Middlesex ("Borough") pursuant to Resolution #324-13 designated certain

properties within Lincoln Boulevard from The Borough of Bound Brook border to two-hundred feet (200') east of its intersection with Mountain Boulevard to William Street in need of rehabilitation; and

WHEREAS, pursuant to Resolutions #69-14, #158-14 and #253-14 the Borough Council adopted the Lincoln Boulevard Redevelopment Plan for parcels within that area (the "Redevelopment Plan" or "Redevelopment Area"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

WHEREAS, during the time since adoption of the Redevelopment Plan, little development has occurred in the Redevelopment Area under the Redevelopment Plan; and

WHEREAS, the Borough Council has determined that the Redevelopment Plan must be amended to address further refinement of the permitted uses and certain bulk standards for that area; and

WHEREAS, the Borough council has determined that it is in the best interest of the Borough to adopt an Amendment to the Lincoln Boulevard Redevelopment Plan within that area to effectuate the redevelopment of the area; and

WHEREAS, on April 9, 2014, the Planning Board authorized Paul N. Ricci, P.P., Lic. No. L1005570 (the "Planning Consultant") to conduct an investigation and prepare a study of the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7.f, the Borough Council hereby refers the Redevelopment Plan to the Planning Board for consideration of amendments or further refinement of the permitted uses and certain bulk standards for the Redevelopment Area.

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

1. That the Borough Council does hereby authorize the Planning Board to review proposed amendments and refinements to the Redevelopment Plan and to report its findings to the Borough Council within forty-five (45) days hereof.
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 #158-16

WHEREAS, bids were received July 19, 2016 for the 2016 Road Improvements for various roads;

WHEREAS, eights bids were received and the following three bids listed below were the lowest bids received for this project:

Top Line Construction Corp. Somerville, NJ	\$545,181.98	Total Bid
Stilo Excavation South Plainfield, NJ	\$568,851.19	Total Bid
Z Brothers Concrete Contractor, Inc.. Sayreville, NJ	\$627,534.44	Total Bid

WHEREAS, the Borough Engineer recommends awarding the bid to Top Line Construction Corp. in the amount of \$545,181.98 contingent upon the Borough Attorney's review and availability of funds. (Adoption of the 2016 Capital Budget)

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

1. Based upon recommendation of the Borough Engineer, the governing body hereby awards the bid for the 2016 Road Improvements for various roads to Top Line Construction Corp., Somerville, New Jersey in the amount of \$545,181.98 contingent upon the Borough Attorney's review and availability of funds for this project. (Adoption of the 2016 Capital Budget)

NOW FURTHER BE IT RESOLVED that funds in the amount of \$545,181.98 are available in the following accounts: \$300,000 in Account No. C-04-15-879-000-093, and \$245,181.98 in Account No. C-04-16-893-000-093. (Adoption of the 2016 Capital Budget)

Councilman Corley made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden 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 #159-16

IN SUPPORT OF THE ADOPTION OF S2254/A3821 TO CLARIFY MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

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 and Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Mayor and Council urge the members of the New Jersey Senate, General Assembly and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

Councilman Kaplan made a motion for approval seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden 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 #164-16

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

PUBLIC COMMENTS

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

Betty Platten, 4 Hooker Street commended the Mayor and Council with regard to the services that are being provided by the Police Department and DPW, as residents seem to be very happy with them.

Ms. Platten also mentioned that in regarding to increasing the purchase of cigarettes from age 18 to 21, she feels that at that point it is too late, and people are already smoking. She would like to see the children educated in elementary school.

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

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Hiring a Temporary Employee to Assist the Assessor with the Update of the Property Record Cards – Mayor DiMura requested council's approval to hire a temporary employee to input information from the borough's property record cards, so that when GovPilot goes live we will have this information on our website, and it will alleviate

information that is normally requested by realtors or appraisers. A consensus of council was to hire a temporary employee for a maximum of 40 hours at \$12.00 per hour.

2. LED Lighting Ordinance - Mayor DiMura spoke with the Borough Attorney, Code Enforcer, and leadership of the business association and his recommendation is to amend the current ordinance so that it is prohibited to have any lights that outline windows, doorways or sign. This would be the only way that this LED lighting can be properly enforced by Ms. Palumbo. A consensus of council was to introduce this ordinance and have it pertain only to LED lighting, not the neon lights.
3. Keep Middlesex Clean Program – Mayor DiMura tabled this matter until the August 16, 2016 Regular Meeting.
4. Borough taking Their Own Sewer Samples – A suggestion was made by Jerry Sheehan, Tom Moskal and the Borough Engineer that the borough should take their own sewer samples and compare them with what we get from Piscataway and the County, as Mr. Sheehan does not feel that they are being done correctly. The borough can purchase the equipment for approximately \$4,000 and Mr. Moskal can do the testing. Mayor DiMura will get a quote and provide at the next regular 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.

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