



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Linda Chismar
732 356-7400 x238
www.middlesexboro-nj.gov

Tuesday, May 24, 2022

7:00 PM

Municipal Building

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

Attendee Name	Present	Absent	Late	Arrived
Mayor John Madden	☐	☐	☐	
Council President James Eodice	☐	☐	☐	
Councilman Jeremiah Carnes	☐	☐	☐	
Councilwoman Amy Flood	☐	☐	☐	
Councilman Jack Mikolajczyk	☐	☐	☐	
Councilman Martin Quinn	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Interim Administrator Joe Costa	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

IV. PRESENTATIONS

V. APPOINTMENTS

- 1. Appointing Karen Rutkowski as a Regular Member to the Board of Health

VI. PROCLAMATIONS

VII. ORDINANCE(S) FOR INTRODUCTION

- 1. **Ordinance 2060-22** AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 40, FIRE DEPARTMENT, SECTION 40-2 RULES AND REGULATIONS
- 2. **Ordinance 2061-22** AN ORDINANCE REPEALING CHAPTER 323 OF THE MUNICIPAL CODE TITLED "RENT CONTOL"

VIII. ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

- 1. **Ordinance 2059-22** AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

IX. ADOPTION OF MINUTES

1. Approval of the May 10, 2022 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

1. Council President Eodice
2. Councilman Carnes
3. Councilwoman Flood
4. Councilman Mikolajczyk
5. Councilman Quinn
6. Councilman Rex

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 156-2022** Acceptance of Standing Reports
2. **Resolution 157-2022** Acknowledging the Change in Status for Certain Properties Under the Veteran Tax Deductions
3. **Resolution 158-2022** Approval of Amusement Machine Licenses for 2022/2023 (Expire 5/31/2023) for the Borough of Middlesex
4. **Resolution 159-2022** Accepting the Resignation of Juan Rivera Ibarra from the Department of Public Works Effective May 10, 2022
5. **Resolution 160-2022** Approval of the Towing Licenses for 2022/2023 (Expiring 5/31/2023)

XV. NON-CONSENT AGENDA/RESOLUTIONS: Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

1. **Resolution 161-2022** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

XVIII. EXECUTIVE SESSION

1. **Resolution 162-2022** Executive Session

Contract Negotiations - PBA

Potential Litigation - Flood Issues

Real Estate - Sampling Plant

Land Acquisition - Easements

XIX. ADJOURNMENT

1. The next Regular Meeting will be June 14, 2022

ORDINANCE #2060-22**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 40, FIRE DEPARTMENT, SECTION 40-2 RULES AND REGULATIONS**

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

Section 40-2 shall be amended to read as follows:

§ 40-2 Rules and Regulations <<http://ecode360.com/10336906>>

- A. The Fire Department may adopt such rules and regulations as may be deemed advisable concerning the assignment of the Assistant Chiefs, Captains and other members of the Department and concerning the conduct of members of the Department on or about any station house, or while engaged in the service of the Department. The Borough's Rules and Regulations will prevail if or when there is a conflict between the two.
- B. **Membership:**
- (1) All persons seeking membership with the Fire Department must be approved by the Borough Council. The Borough Council, in its sole discretion and with cause, may also remove or suspend any members.
- (2) Minimum Training Requirements:
- Be a U.S. citizen.
 - Be at least 18 years old
 - Have a high school diploma or G.E.D.
 - Pass a background investigation.
 - Pass a physical exam.
- (3) The Chief shall report to the Mayor and Council and the Business Administrator any officer or member, who, by reason of age, disease, accident or other incompetency, does not, or cannot fully and properly perform the duties required of him.

- (4) Should any member of the Fire Department resign or pass away, the Chief or the designee shall secure all Borough equipment assigned to the former member.
- (5) The Chief shall submit without delay, the resignation of any member of the Fire Department to the Municipal Clerk. The Borough Council will formally accept the resignation at their next available Council Meeting.

C. Chief: Responsibilities

(1) Fire Calls

- a. The Chief shall have absolute command, control, charge, management, discipline, and supervision of every officer in the fire Department.
- b. The Chief shall attend all fires when possible. In the event the Chief is unable to physically be at the scene, the Chief will be contacted as soon as possible and made aware of the situation.
- c. The Chief shall have sole control, management and command at fires over all officers and members of the Department, and over all apparatus and appurtenances belonging to the Borough.
- d. The Chief shall cause to be extinguished all fires with the least possible danger to life and property, and prevent unnecessary damage at fires, from fire, water, etc.
- e. The Chief shall have power in case of fire to demolish buildings or parts of buildings, or other structures which in his judgment might cause further damage to life or property.
- f. The Chief shall have power to remove any obstacle which interferes with the operation of the Department in fighting a fire subject to all applicable statutes and regulations.
- g. The Chief shall have power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect adjoining property.
- h. The Chief shall submit monthly reports to the Mayor and Council containing the number of fires within the Borough and a record of alarms and fires. He will maintain the records of the cause if known, the damage done, a list of companies reporting and a list of individual members reporting for duty at each fire.

- i. The Chief shall, during the progress of a fire, serve as the primary responding officer and may, in collaboration and consultation with the Chief of Police or other appropriate command staff, direct the police force present, for the purpose of preserving property and the enforcement of order.
- j. The Chief or the designee shall record all fire accidents and report them immediately to the Business Administrator.

(2) Fire Department Operations

- a. The Chief or the designee shall keep an accurate record of all business transacted in the Fire Department.
- b. The Chief or the designee shall at all times supervise and keep in repair and ready or instant use all the property of the Borough connected with the Fire Department.
- c. The Chief is required to make special reports upon any matters which in his judgment require the attention of the Borough Council.
- d. The Chief shall provide a list of firefighters annually who qualify for the benefits of the LOSAP program.
- e. The Chief or the designee shall see that companies conduct regular drills.
- f. The Chief or the designee shall recommend to the Borough Administrator the purchase of new apparatus, hose, equipment, etc.
- g. The Chief or the designee shall requisition and account for all supplies.
- h. The Chief or the designee shall test and approve or disapprove, with the reasons therefore, when practicable, all apparatus, hose, equipment, or tools before purchase or acceptance of same.
- i. The Chief shall report annually to the Borough council the number of members of the Fire Department and their names, the number and names of all members who have been discharged during the year, and all statistics and information regarding the fires in the Borough during the year, the losses by fire, the causes of fire, and its prevention or extinguishment, and such other information and make such recommendations as he may deem wise.
- j. The Chief or the designee shall make an inventory of all property of the Borough and its condition in December of each year.

- k. The Chief shall certify all bills against the Borough chargeable to said department.
- l. The Chief or the designee shall supervise and direct the testing of all relevant equipment and apparatuses with appropriate timeframes, as determined by the National Fire Protection Association, NFPA.
- m. The Chief or the designee shall order equipment and training subject to the approval of the Business Administrator.

D. Requirement to Drive Borough Fire Apparatus

- (1) The Chief or the designee shall design and conduct an evaluation process to assess the driving skills, emotional maturity, and operational knowledge of potential drivers.
- (2) The Chief or the designee shall document the progression and approval, pursuant to the evaluation process referenced above, of each driver in thorough and complete detail and shall retain all records for each active driver and for all drivers affiliated with the Department for a period of five (5) years after the driver ceases driving for the Department.
- (3) Trainers must be aware to properly prepare the candidate before the evaluation. Trainers must be watchful of the candidate's skill, demeanor, and knowledge of driving large vehicles under extremely stressful conditions.
- (4) All Fire Apparatus Drivers must possess or achieve the following:
 - A valid NJ Driver's License
 - A minimum of three years driving experience
 - A minimum of three years firefighting experience
 - A minimum of one year experience with the Middlesex Fire Department to become familiar with specifics of the local roads and operations
 - Fire apparatus knowledge
 - Emotional maturity
 - Every driver must requalify annually

E. Requirement to Take Borough Fire Trucks out of Municipality:

- (1) In case a fire occurs in the municipalities within reasonable distance of the Borough's limit, when aid is requested, the Chief, in his discretion, may send such aid, but in no case shall more than two (2) companies leave the Borough at one time, unless on order from the Mayor or Business Administrator.
- (2) A Shared Services Agreement is required between the Borough and any neighboring municipality should a neighboring municipality request the Fire Department be "on call" on a regular basis. This Shared Services Agreement shall be a legal document between the two municipalities and shall be incorporated under the appropriate statute.
- (3) Unless fire apparatus is required as cited above or if there is a need for repair or maintenance, permission to take apparatus out of the municipality for any other reason (e.g., parades, wet-downs, demonstrations, funerals) approval must be granted in advance by the Borough Council.

F. Borough Apparatus and Equipment:

- (1) All members of the Fire Department are expected to treat Borough Apparatus and Equipment with care and respect. If any equipment is missing or damaged, it is to be reported immediately to the Business Administrator through the Chief or the designee.
- (2) Members abusing or mishandling equipment or who have repeatedly lost or caused equipment to be damaged shall be disciplined according to the Department's Progressive Discipline policy.

G. Discipline:

- (1) The Chief or the designee will develop and enact a progressive discipline policy for members of the Fire Department.
- (2) The Chief or the designee shall diligently inquire into any and all complaints of misconduct made by resident or other individuals against the Department members while on duty, and for neglect of duty or violation of the rules and regulations of the Department.
- (3) If charges are filed by the Chief against any officer or member of the Fire Department, the Chief shall immediately notify the Mayor and Business Administrator.
- (4) The Chief shall (have power to) summarily suspend any member of the Department from duty for flagrant violation of the rules and regulations where the

reputation and discipline of the Department would suffer if such action were not taken.

- (5) The Chief shall forward to the Mayor and Council and the Business Administrator report of his action in the above.
- (6) The Chief shall have power, in case of violation of rules and regulations, which violations have been proven, to demote or dismiss the offender from the Department and must report such at once to the Mayor and Council.
- (7) The Mayor and Council may, upon recommendation of the Board of Fire Officers and within their own discretion, suspend or expel any member of the Department who shall conduct himself at any time, whether on active duty or not, in such a manner as to be unbecoming to a member of the Fire Department.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

INTRODUCED: 05/24/2022

DATE OF PUBLICATION:
OF INTRODUCTION May 27, 2022

ORDINANCE #2061-22

AN ORDINANCE REPEALING CHAPTER 323 OF THE MUNICIPAL CODE TITLED “RENT CONTROL”

WHEREAS, the existing Chapter 323 titled “Rent Control” is outdated and must be repealed in its entirety; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Middlesex desires to repeal Chapter 323 of the Municipal Code, titled “Rent Control”; and

NOW, BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 323 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey titled “Rent Control” is hereby repealed pursuant to the provisions hereof:

Section I

Chapter 323 is hereby repealed and deleted in its entirety.

Section II

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section IV

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

INTRODUCED: May 24, 2022

DATE OF PUBLICATION:
OF INTRODUCTION May 27, 2022

ORDINANCE #2059-22

AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

TITLE	SALARY	RANGE
Full Time Employees		
Chief of Police	\$160,000	\$195,000
Borough Administrator	\$100,000	\$150,000
Borough Clerk	\$65,000	\$100,000
Deputy Borough Clerk	\$40,000	\$65,000
Administrative Clerk/Purchasing Agent	\$45,000	\$65,000
Chief Financial Officer	\$85,000	\$110,000
Treasurer	\$60,000	\$85,000
Tax Collector	\$50,000	\$75,000
Finance/Tax Clerk	\$40,000	\$55,000
Human Resources/Payroll Clerk	\$45,000	\$60,000
DPW Superintendent	\$90,000	\$120,000
Recreation/Office on Aging Director	\$60,000	\$85,000
Recreation Manager	\$40,000	\$55,000
Court Administrator	\$60,000	\$75,000
Court Deputy Administrator	\$47,000	\$60,000
Court Violations Clerk	\$37,000	\$47,000
Certified Technical Assistant	\$45,000	\$65,000
Senior Administrative Assistant	\$42,000	\$55,000
Administrative Assistant	\$32,000	\$45,000
Records Clerk	\$34,000	\$50,000
Part Time Employees		
Assistant Recreation Director	\$11,000	\$14,000
Recreation Committee Secretary	\$1,200	\$2,000
Tax Assessor	\$20,000	\$40,000
Code Enforcer/Zoning Official	\$30,000	\$65,000
Construction Official	\$10,000	\$15,000
Electrical Sub-Code Official	\$11,500	\$17,000
Building Sub-Code Official	\$20,000	\$25,000
Resale Certificate Inspector	\$2,500	\$7,500
Plumbing Sub-Code Official	\$10,000	\$25,000
Fire Sub-Code Official	\$10,000	\$15,000
Planning/Zoning Clerk (per meeting)	\$200	\$400
Shade Tree Secretary	\$2,350	\$3,000
Juvenile Conference Committee Secretary	\$1,500	\$2,500
Municipal Magistrate	\$35,000	\$50,000
Hourly Employees	Per Hour	Per Hour

Administrative Clerk	\$14.00	\$20.00
Construction/Code Inspectors	\$13.00	\$16.00
DPW Laborer	\$14.00	\$20.00
Meals on Wheels Driver	\$14.00	\$20.00
Medical Transportation Driver	\$14.00	\$20.00
Senior Transportation Driver	\$14.00	\$20.00
Pre-School Program Coordinator	\$14.00	\$20.00
Pre-School Program Instructor	\$13.00	\$18.00
Playground Coordinator (Seasonal)	\$14.00	\$20.00
Playground Site Supervisor (Seasonal)	\$12.50	\$18.00
Playground Counselor (Seasonal)	\$12.00	\$16.00
Police Matrons	\$15.00	\$20.00
Crossing Guards	\$14.00	\$20.00
Custodian	\$15.00	\$20.00

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

INTRODUCED: May 10, 2022

DATE OF PUBLICATION:
OF INTRODUCTION May 13, 2022

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

Resolution #156-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the April, 2022 Police Report

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

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

Resolution #157-2022

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES
UNDER THE VETERAN TAX DEDUCTIONS**

WHEREAS, per (N.J.S.A. 54:4-8.10 et seq.as amended by P.L. 2019 c.413; N.J.A.C. 18:27-1.1 et seq.), certain Veterans were the owners of property in the Borough of Middlesex on or before October 1, 2021, and

WHEREAS, said Veterans did file their claims for the Veteran deduction with the proper official of the Borough of Middlesex, Middlesex County, and

WHEREAS, the Tax Assessor has allowed the following Veteran deduction(s) for the 2022 tax year totaling \$250.00

Name: Sullivan, Marcia
Block/Lot: 231 / 14
Amount: \$250.00

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

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

Resolution #158-2022

APPROVAL OF AMUSEMENT MACHINE LICENSES FOR 2022/2023 (EXPIRE 5/31/2023) FOR THE BOROUGH OF MIDDLESEX

The application for Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees. This license is valid until May 31, 2023.

End Zone Lounge 425 Bound Brook Rd.	(1) Pool Table (4) Amusement Machine (1) Music Machine	\$350.00
Ferraro's Pizzeria & Pub 275 Lincoln Boulevard	(1) Music Machine	\$150.00
American Legion 707 Legion Place	(1) Pool Table (5) Amusement Machine (1) Music Machine	\$350.00
Tim Kerwin's Tavern 353 Bound Brook Rd.	(2) Amusement Machines (1) Music Machine (1) Pool Table	\$350.00
Ellery's Grill 701 Lincoln Boulevard	(3) Amusement Machines (1) Music Machine	\$350.00
	TOTAL	\$1550.00

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

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

Resolution #159-2022

**ACCEPTING THE RESIGNATION OF JUAN RIVERA IBARRA FROM THE
DEPARTMENT OF PUBLIC WORKS EFFECTIVE MAY 10, 2022**

The Governing Body hereby accepts the resignation of Juan Rivera Ibarra from the DPW effective May 10, 2022. Mr. Ibarra was employed part time in the Sanitation Department.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

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

Resolution #160-2022

APPROVAL OF THE TOWING LICENSES FOR 2022/2023 (EXPIRING 5/31/2023)

The following applications for Towing Licenses for 2022/2023 have been approved by the Police Department and met all Borough requirements, and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

1. Hart's Auto Body
2. Tierno's Automotive Inc.
3. M&W Towing Service
4. Mike's Towing
5. JVD Towing

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

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

Resolution #161-2022

PAY ALL CLAIMS

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

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.

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

Resolution #162-2022

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public including Contract Negotiations - PBA, Potential Litigation - Flood Issues, Real Estate - Sampling Plant and Land Acquisition - Easements; 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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 24, 2022.