

**BOROUGH OF MIDDLESEX
REGULAR MEETING
AGENDA
AUGUST 16, 2016
7 PM**

1. **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.
2. **SALUTE TO FLAG**
3. **ROLL CALL:**

Greco [] Kaplan [] Corley [] Madden [] Schueler [] Mikolajczyk []
Mayor DiMura []
4. **APPOINTMENTS**
 1. Resolution #168-16 Appointing Colin DeVincenzo as a Probationary Patrolman for the Borough of Middlesex effective August 17, 2016 at an annual salary of \$51,339.
5. **PROCLAMATIONS**
 1. Charcot-Marie-Tooth Awareness Month – September, 2016
6. **PRESENTATIONS**
7. **NEW BUSINESS**
8. **PUBLIC HEARING**
 1. **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**
 2. **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**

9. ADOPTION OF MINUTES

1. Approval of the July 12, 2016 Executive Meeting Minutes, July 19, 2016 Regular Meeting Minutes and August 9, 2016 Special Meeting Minutes

10. REPORTS

Mayor

1. Thank you Letter from the Police Department for the Mayor & Council's support of the 7th Annual National Night Out

11. REPORTS - STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Recreation/Recreation Fields/Swim Pool/Community Celebrations
3. Fire/OEM/Board of Health/Rescue Squad
 - a. Stream Cleaning Report
 - b. Middlesex Flood Map Challenge
 - c. Accepting the resignation of Jason Dudley as a Member of the Middlesex Fire Department
 - d. Accepting Randy Rudnick as Assistant Engineer of Engine 22 for 2016
 - e. Robert Imbriaco was accepted as a qualified driver of Engine 23
 - f. Accepting Andrew Pollara as an active member of the Middlesex Fire Department
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement/Construction/Municipal Court
6. Administration/Department of Senior Services/Legislation/Licensing

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.

12. **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 #169-16 Approving Bryan Oliver as a part time laborer in the DPW effective August 22, 2016 pending a satisfactory background check, physical (including drug/alcohol test), and driving abstract
2. Resolution #170-16 Advancing Police Officer George Pilesky to Patrolman Class "D" effective August 15, 2016 at an annual salary of \$77,854.
3. Resolution #171-16 Refunding Street Opening Permit #2015-008 in the amount of \$937.50 in favor of Ted Hoette, 96 Conover Pl., Middlesex, NJ 08846.
4. Resolution #172-16 Accepting the resignation of Probationary Patrolman Michael Sharkey from the Middlesex Police Department effective August 1, 2016.
5. Resolution #173-16. Accepting the resignation of Laurina Tolomeo as a School Crossing Guard in the Middlesex Police Department effective June 24, 2016
6. Resolution #174-16 Awarding the bid for the Shepherd Avenue Resurfacing Project in the borough of Middlesex (Resolution to follow)
7. Resolution #175-16 Approving the Mayor and Borough Clerk to execute the Department of the Army Right of Entry for Survey and Exploration for the Green Brook Flood Damage Reduction Project for property located at the Lincoln Boulevard Right of Way, Clay Avenue Right of Way
8. Resolution #176-16 Approving the Mayor and Borough Clerk to execute the Department of the Army Corps of Engineers Environmental Surveys Investigations and Remediation Right of Entry for Block 345.01, Lot 1.02 Baekeland Avenue.
9. Resolution #177-16 Approving the Mayor to execute the NJDEP Statements of Consent for the MCUA Main Trunk Sewer Rehabilitation – Phase II.
10. Resolution #178-16 Authorizing the refund of 2nd Quarter 2016 Taxes in the amount of \$856.64 on Block 52, Lot 23, 307 Second Street, as the homeowner has been declared 100% disabled by the Division of Veterans Affairs.
11. Resolution #179-16 Authorizing the refund of \$3393.76 on Block 290, Lot 11, 200 Egel Avenue as the assessment was reduced and third quarter taxes were paid prior to the reduced assessment being applied.
12. Resolution #180-16 Authorizing the refund of \$180.00 in the Escrow Account for 770 Bound Brook Road, LLC, as the project is complete and all outstanding bills have been paid.
13. Resolution #181-16 The governing body hereby approves to surplus the OEM 1993 Van, Vin No. 4CDJ4 9M23N 21051 65.

14. Resolution #182-16 Authorizing State Contract purchase of 2 Mobile Radios for the Fire Department in the amount of \$17,320.50
15. Resolution #183-16 Authorizing State Contract purchase of Barracuda Instant Replacement and updates for the Borough of Middlesex Email Spam and Virus Firewall in the amount of \$1,255.42
16. Resolution #184-16 Authorizing State Contract purchase of Barracuda X3000 Firewall for the Borough of Middlesex in the amount of \$5,283.53.
13. **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 #185-16 Pay all Claims
14. **PRIVILEGE OF THE FLOOR**
15. **AGENDA WORKSHOP ITEMS**
 1. Parking on Baekeland Avenue
 2. Sending a DPW Employee to get Certified in Pesticides
 3. DEP Report for Sewers
 4. PSE&G Rehab Project
 5. Middlesex Borough Flood Map - Challenge
 6. Keep Middlesex Clean Program
 7. Charles Wrobel Presentation – Event at Mountain View Park
16. **PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS**
17. **EXECUTIVE SESSION** Resolution #186-16
 1. Request for Grade Change – Administrative Assistant – Recreation/Office on Aging
 2. Plumbing Inspector Position
18. **ADJOURNMENT.** The next Regular Meeting will be on September 13, 2016.

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

Resolution #168-16

WHEREAS, Colin DeVincenzo 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 Colin DeVincenzo be appointed to the position of Probationary Patrolman effective August 17, 2016 at an annual salary of \$51,339.00 pending the receipt of the drug screening clearance.

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. Colin DeVincenzo is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective August 17, 2016 at an annual salary of \$51,339.00 pending the receipt of the drug screening clearance.
2. This resolution shall take effect immediately.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

PROCLAMATION

WHEREAS, it is the intention of the Mayor and Council of Middlesex Borough to focus attention on noteworthy causes and occasions; and

WHEREAS, Charcot-Marie-Tooth disease (CMT) is a common inherited neurological disorder that affects approximately 1 in 2,500 people in the United States and 2.8 million worldwide; and

WHEREAS, CMT is characterized by a slow and progressive deterioration of motor and sensory nerves across various parts of the body that can lead to weakness of the foot and lower leg muscles, foot deformities, frequent tripping and falls and muscle weakness in the hands; and

WHEREAS, there are more than 70 kinds of CMT that affect individuals from all walks of life, and in all areas of the world; and

WHEREAS, there is no cure for CMT, and while physical therapy, bracing and surgical procedures can help stabilize and correct certain CMT symptoms, continued awareness and research of the disease are needed.

NOW, THEREFORE BE IT RESOLVED, I, RONALD J. DIMURA, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, County of Middlesex, State of New Jersey, do hereby join with the Charcot-Marie-Tooth Association and municipalities across the United States in proclaiming the month of September 2016 to be

CHARCOT-MARIE-TOOTH AWARENESS MONTH

NOW FURTHER BE IT RESOLVED that the Borough of Middlesex urges all citizens to join with me and Council in spreading awareness of Charcot-Marie-Tooth Disease, and in voicing our support for the Charcot-Marie-Tooth Disease Association.

Given Under My Hand and the Seal of the Borough of Middlesex, New Jersey, This 16th Day of August, 2016.



Ronald J. DiMura, Mayor

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.

ATTEST:

Kathleen Anello, Municipal Clerk

Ronald J. DiMura, Mayor

INTRODUCED: July 19, 2016

DATE PUBLICATION
OF INTRODUCTION: July 22, 2016

ADOPTED: August 16, 2016

DATE OF PUBLICATION

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.

ATTEST:

Kathleen Anello, Municipal Clerk

Ronald J. DiMura, Mayor

INTRODUCED: July 19, 2016

DATE PUBLICATION
OF INTRODUCTION: July 22, 2016

ADOPTED: August 16, 2016

DATE OF PUBLICATION
OF ADOPTION:

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

Resolution #169-16

The Governing Body hereby appoints Bryan Oliver, 412 Cook Avenue, Middlesex, New Jersey as a permanent part-time laborers for the DPW for 28 hours per week at \$12.00 per hour pending a satisfactory background check, physical (including drug/alcohol test), and driving abstract effective August 22, 2016.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #170-16

WHEREAS, Police Officer George Pilesky is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On June 27, 2016 Chief Geist recommended Police Officer George Pilesky be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer George Pilesky be and is hereby advanced in grade to Patrolman Class "D" effective August 15, 2016 at an annual salary of \$77,854

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
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MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #171-16**

WHEREAS, Ted Hoette was issued a street opening permit on 8/25/15; and

WHEREAS, Ted Hoette deposited \$1250.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 96 Conover Place was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$937.50 in favor of Ted Hoette, 96 Conover Pl., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-008.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #172-16

The Mayor and Council hereby accept Probationary Patrolman Michael Sharkey's resignation effective August 1, 2016 and authorize the Treasurer to pay his full allowance of \$666.36 in accordance with his PBA Contract in the next regular borough payroll of August 19, 2016. The benefits include the following:

11 Hours Compensation Time	\$ 271.48
16 Hours Vacation Time	\$ 394.88
TOTAL	\$ 666.36

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #173-16

Accepting the resignation of Laurina Tolomeo as a School Crossing Guard with the Middlesex Police Department effective June 24, 2016.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #175-16

The Governing Body hereby approves the Mayor and Borough Clerk execute the Department of the Army Right of Entry for Survey and Exploration for the Green Brook Flood Damage Reduction Project for the property located at the Lincoln Boulevard Right of Way, Clay Avenue Right of Way in Middlesex Borough in order to survey, make test borings, and carry out such other exploratory work as described in the Scope of Work in order to complete the investigation being made of said land by the Government.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
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Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #176-16

The Governing Body hereby approves the Mayor and Borough Clerk execute the Department of the Army Corps of Engineers Environmental Surveys Investigations and Remediation Right of Entry to perform surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metal contamination of soils, groundwater and structures on Block 345.02, Lot 1.02, Baekeland Avenue as part of the Army's Formerly Used Sites Remedial Action Program (FUSRAP).

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
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MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #177-16**

WHEREAS, R3M Engineering, Inc. is preparing a Treatment Works Approval Application for the MCUA Main Trunk Sewer Rehabilitation – Phase II; and

WHEREAS, the subject of the permit application is the construction of a chamber adjacent to the Green Brook Pump Station to assist with the Trunk Sewer Rehabilitation and future maintenance of the sewer; and

WHEREAS, the project has previously received approvals from the NJDEP and the application requires the endorsement of the Borough of Middlesex.

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 governing body hereby approves the Mayor to execute the NJDEP Statements of Consent for the MCUA Main Trunk Sewer Rehabilitation – Phase II.
2. This resolution shall take effect immediately.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
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MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #178-16

The Tax Collector is hereby authorized to refund 2nd quarter 2016 taxes in the amount of \$856.64 on block 52, lot 23, 307 Second Street. The homeowner has been declared a 100% disabled veteran by the Division of Veterans Affairs. The check is to be made payable to:

Wells Fargo Home Mortgage
1 Home Campus
MacX2302-04D
Attention: Financial Support
Des Moines, IA 50328

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
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Mikolajczyk				
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MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #179-16

The Tax Collector is hereby authorized to refund an overpayment in the amount of \$3393.76 on Block 290, Lot 11, 200 Egel Ave. The assessment was reduced to \$405,000.00 from \$486,200.00 on May 10th, 2016. 3rd quarter taxes were paid prior to the reduced assessment being applied. The check is to be made payable to:

Refund Department
Corelogic Real Estate Tax Service
PO Box 961250
Fort Worth, TX 76161-9858

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
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MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #180-16

The Governing Body hereby authorizes the Treasurer to refund the balance of \$180.00 in the Escrow Account for 770 Bound Brook Road, LLC. By determination of the Code Official their project is complete and all outstanding bills have been paid.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #181-16

The governing body hereby approves to surplus the OEM 1993 Van, Vin No. 4CDJ4 9M23N 21051 65.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #182-16

RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF 2 MOBILE RADIOS FOR THE FIRE DEPARTMENT

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase 2 Mobile Radios for the Fire Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Motorola Solutions Inc is under State Contract No. 83909 for the year 2016; and

WHEREAS, the cost for the purchase of the equipment is \$17,320.50; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of 2 Mobile Radios is ordered under State Contract No. 83909 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$17,320.50 are available in Account No. C-04-15-879-000-090.

Caroline Benson, Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #183-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
BARRACUDA INSTANT REPLACEMENT AND UPDATES FOR THE BOROUGH OF
MIDDLESEX EMAIL SPAM AND VIRUS FIREWALL**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda Instant Replacement and Updates for the Borough of Middlesex Spam and Virus Firewall from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

WHEREAS, the cost for the purchase of the Barracuda Instant Replacement and Updates is \$1,255.42; and

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

The Treasurer hereby certifies that the funds in the amount of \$1,255.42 are available in Account No. 6-01-20-140-000-062.

Caroline Benson, Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #184-16**

**RESOLUTION AUTHORIZING STATE CONTRACT
PURCHASE OF BARRACUDA X300 FIREWALL FOR THE BOROUGH OF MIDDLESEX**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase Barracuda X300 Firewall for the Borough of Middlesex from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, SHI International Corp is under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 for the year 2016; and

WHEREAS, the cost for the purchase of Barracuda X300 Firewall is \$5,283.53; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of Barracuda X300 Firewall is ordered under State Contract No. NJ Barracuda WSCA AR069, participating addendum 88792 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount of \$5,283.53 are available in Account No. C-04-15-879-000-090.

Caroline Benson / Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #185-16

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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #186-16

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. Request for Grade Change – Administrative Assistant – Recreation/Office on Aging
2. Plumber Inspector Position

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ



MIDDLESEX BOROUGH POLICE DEPARTMENT

MEMORANDUM

TO: Mayor Ronald DiMura

FROM: Chief Matthew P. Geist *MR*

DATE: August 8, 2016

SUBJECT: New Police Officer

Linda,
ADD
to mtg - 8-16-16
Thank you

We have completed the background investigation, psychological and medical testing of our police candidate. It should be noted that we are still waiting for the return of the drug screening results; this hire will be pending receipt of drug screening clearance. The candidate did well in all phases of the process; therefore, I would like to recommend the following individual be appointed as a Probationary Police Officer.

Colin DeVincenzo 276 George Dye Road, Hamilton, NJ 08690 (Please do not use home address on the Public Meeting Agenda)

Colin DeVincenzo is currently employed as a Police Officer with the Delaware Township Police Department. He is a NJ Police Training Commission certified officer and will not have to go to the police academy for training.

If possible, I would like to have the new officer sworn in at the Council meeting on Tuesday, August 16, 2016 with an effective starting date of Wednesday, August 17, 2016.

Cc: Councilman John Mikolajczyk, Police Liaison
Kathleen Anello, Borough Clerk
Caroline Benson, Treasurer

MC25.307.042



June 13, 2016

Mayor Ronald DiMura
Borough of Middlesex
1200 Mountain Avenue
Middlesex, NJ 08846

1405 ROUTE 18, SUITE 208

OLD BRIDGE, NJ 08857

TEL: 732 679 7100

FAX: 732 679 7110

Re: Middlesex County Utilities Authority
Main Trunk Sewer Rehabilitation - Phase II
Treatment Works Approval Application

Dear Mayor DiMura:

R3M Engineering, Inc. is preparing a Treatment Works Approval application for the referenced project for the Middlesex County Utilities Authority. A portion of the proposed work that is subject of the application is on MCUA property within the Borough of Middlesex.

This is the second phase of an overall program by the MCUA to rehabilitate the Main Trunk Sewer.

The subject of the permit application is the construction of a chamber (Green Brook Diversion Chamber) adjacent to the Green Brook Pump Station to assist with the Trunk Sewer rehabilitation and future maintenance of the Sewer. A copy of Sheet 1 of the draft design drawings is attached for your information with the facility in question highlighted. The pipeline rehabilitation portion of the project will not require a TWA. The project has previously received approvals from the NJDEP as follows:

- NJDEP-FHA Individual Permit Permit #1217-12-0003.1 FHA 140001
- NJDEP-FHA Verification Permit #1217-12-0003.1 FHA 140002
- NJDEP-FWW General Permit #1 Permit #1217-12-0003.1 FWW 140001
- NJDEP-FWW General Permit #2 Permit #12117-12-003.1 FWW 140002

The application requires the endorsement of the Borough of Middlesex. Enclosed is a copy of the application forms (TWA-1, WQM-006 and WQM-003). We have also enclosed a separate copy of page 1 of 4 from the Statements of Consent (WQM-003). The Borough's consent is requested for section A-1, Consent by Governing Body. Upon endorsement, please return the page with the original signature to my attention with a copy of the Resolution citing authorization to sign it, if appropriate.

Mayor Ronald DiMura
June 13, 2016
Page 2 of 2

Thank you for your cooperation in this matter.

If you have any questions regarding the project or the enclosed, do not hesitate to contact us.
Sincerely,

R3M Engineering, Inc.

A handwritten signature in blue ink that reads "Will. McCarthy".

William D. McCarthy, P.E.
Project Manager

20160613DiMura(wdm)TWAAApplication.ltr

Enclosures

cc: R. Fitamant/MCUA
K. Aiello/MCUA
M. Samuel/R3M
G. Brady/R3M



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NY 10278-0090

IN REPLY TO
ATTENTION OF:

July 28, 2016

Real Estate Division, Room 2007
Real Property Branch

Borough of Middlesex
1200 Mountain Ave. Middlesex, NJ 08846

Dear Sir:

As a result of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as well as all applicable Department of Defense initiatives, the U.S. Army Corps of Engineers (USACE) is authorized to perform a site-wide **Environmental Testing & Study & Cleanup Project**, as part of the Army's Formerly Used Sites Remedial Action Program (FUSRAP).

In order to proceed with conducting this study, we are writing to request a Right-of-Entry of the identified parcels of land located within Middlesex & Piscataway NJ. The following address identified as belonging to you is required for testing under the conditions as stated above:

Bakeland Ave. Middlesex, NJ and owned by Borough of Middlesex.

Please find the enclosed two copies of the Right-of-Entry requesting approval to access this property. Please review and if agreeable, please complete the Points of Contact information within the Right of Entry, sign both copies and return by either mail or email to:

Mr. Ronn Giang
Realty Specialist
Army Corps of Engineers, Real Estate Division
26 Federal Plaza; Room 2007
New York, NY 10278

Upon the USACE's counter-signature, a fully executed copy will be returned to you for your records. Should you have any questions or concerns regarding this matter, please contact me at 917-790-8452 or email Ronn at ronn.giang@usace.army.mil. Our Project Manager Ann Ewy can also be reached at 816-389-3863 Ann.Ewy@usace.army.mil.

If you find this letter & Right of Entry to be incorrectly addressed to you, please return these documents & inform us of the current Owner's information. We thank you in advance for your attention to this matter.

Respectfully,

Noreen D. Dresser
District Chief of Real Estate
Real Estate Contracting Officer

Enclosure

**DEPARTMENT OF THE ARMY
ENVIRONMENTAL SURVEYS INVESTIGATIONS AND REMEDIATION
RIGHT OF ENTRY**

Baekeland Ave. Middlesex, NJ
(Address)

Block 345.02, Lot 1.02
(Parcel)

The undersigned, hereinafter called the "Grantor," in consideration of the performance of removal and remedial activities under the Formerly Utilized Sites Remedial Action Program (FUSRAP) by the UNITED STATES OF AMERICA, hereby grants to the U.S. Army Corps of Engineers, its agents, employees, representatives, contractors and assigns, hereinafter called the "Government," an irrevocable right of entry upon the property at **Baekeland Ave. Middlesex, New Jersey**, (hereinafter the "Property") subject to the following terms and conditions:

1. This Right of Entry is granted for purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metals contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed twenty-four (24) months and beginning on the date of execution of this document.

2. All tools, equipment, and other materials brought onto or placed upon the land by the Government and owned by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.

3. It is the Government's responsibility to safeguard its (including those of its contractors and subcontractors) tools, equipment and materials. Grantor shall not be responsible for any lost, stolen, damaged or destroyed tools, equipment and/or materials of the Government or its contractors unless caused by the negligence of the Grantor. The Government shall have the right to patrol and police the Property during the period of this Right of Entry when the Government is storing or has placed tools, equipment or other materials on the Property.

4. The Government shall provide Grantor with the names of all contractors that will be accessing the Property on the Government's behalf pursuant to this Agreement. All employees of the Government or its contractors shall follow the reasonable rules relating to conduct at the facility (such as those relating to the wearing of an ID, signing when entering and exiting the property, smoking only in those areas, if any, designated for smoking as well as those relating to following safe work practices).

5. In consideration of granting this Right of Entry, the Government shall provide Grantor with copies of field/analytical data generated by the Government as a result of its FUSRAP activities associated with the Property, including data generated as a result of activities performed off the site of the Property upon written consent of those off-site property owners, promptly upon completion of any quality assurance verification of such data that may be required pursuant to the Government's quality assurance procedures.

6. If any action of the Government in the exercise of the rights granted herein results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Grantor. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Grantor may have to make a claim under applicable laws for any damages other than those provided for herein.

7. The lands affected by this Right of Entry are located at Baekeland Ave. Middlesex, New Jersey, Block 345.02, Lot 1.02.

8. The Government shall give reasonable notice of the date upon which the work shall commence and the day(s) it intends to utilize the rights granted herein. Person(s) to be contacted:

Grantor Please Complete Contact Information:

Name: _____
Address: _____
Telephone: _____
Email: _____

WITNESS MY HAND this _____ day of _____, 2016.

Accepted:

UNITED STATES OF AMERICA

BOROUGH OF MIDDLESEX

By: _____
Noreen Dean Dresser
District Chief of Real Estate
Real Estate Contracting Officer

Grantor Signature

Authorized Representative Print Name

**DEPARTMENT OF THE ARMY
ENVIRONMENTAL SURVEYS INVESTIGATIONS AND REMEDIATION
RIGHT OF ENTRY**

Baekeland Ave. Middlesex, NJ
(Address)

Block 345.02, Lot 1.02
(Parcel)

The undersigned, hereinafter called the "Grantor," in consideration of the performance of removal and remedial activities under the Formerly Utilized Sites Remedial Action Program (FUSRAP) by the UNITED STATES OF AMERICA, hereby grants to the U.S. Army Corps of Engineers, its agents, employees, representatives, contractors and assigns, hereinafter called the "Government," an irrevocable right of entry upon the property at **Baekeland Ave. Middlesex, New Jersey**, (hereinafter the "Property") subject to the following terms and conditions:

1. This Right of Entry is granted for purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metals contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed twenty-four (24) months and beginning on the date of execution of this document.

2. All tools, equipment, and other materials brought onto or placed upon the land by the Government and owned by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.

3. It is the Government's responsibility to safeguard its (including those of its contractors and subcontractors) tools, equipment and materials. Grantor shall not be responsible for any lost, stolen, damaged or destroyed tools, equipment and/or materials of the Government or its contractors unless caused by the negligence of the Grantor. The Government shall have the right to patrol and police the Property during the period of this Right of Entry when the Government is storing or has placed tools, equipment or other materials on the Property.

4. The Government shall provide Grantor with the names of all contractors that will be accessing the Property on the Government's behalf pursuant to this Agreement. All employees of the Government or its contractors shall follow the reasonable rules relating to conduct at the facility (such as those relating to the wearing of an ID, signing when entering and exiting the property, smoking only in those areas, if any, designated for smoking as well as those relating to following safe work practices).

5. In consideration of granting this Right of Entry, the Government shall provide Grantor with copies of field/analytical data generated by the Government as a result of its FUSRAP activities associated with the Property, including data generated as a result of activities performed off the site of the Property upon written consent of those off-site property owners, promptly upon completion of any quality assurance verification of such data that may be required pursuant to the Government's quality assurance procedures.

6. If any action of the Government in the exercise of the rights granted herein results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Grantor. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Grantor may have to make a claim under applicable laws for any damages other than those provided for herein.

7. The lands affected by this Right of Entry are located at **Backeland Ave. Middlesex, New Jersey, Block 345.02, Lot 1.02.**

8. The Government shall give reasonable notice of the date upon which the work shall commence and the day(s) it intends to utilize the rights granted herein. Person(s) to be contacted:

Grantor Please Complete Contact Information:

Name: _____
Address: _____
Telephone: _____
Email: _____

WITNESS MY HAND this _____ day of _____, 2016.

Accepted:

UNITED STATES OF AMERICA

BOROUGH OF MIDDLESEX

By: _____
Noreen Dean Dresser
District Chief of Real Estate
Real Estate Contracting Officer

Grantor Signature

Authorized Representative Print Name



**DEPARTMENT OF THE ARMY BALTIMORE
DISTRICT, U. S. ARMY CORPS OF ENGINEERS P. O.
BOX 1715
BALTIMORE, MD
21203-1715**

August 2, 2016

Real Estate Division
Civil/IIS Projects Support Branch

Mayor Ronald Dobies
Borough of Middlesex
1200 Mountain Avenue
Middlesex, New Jersey 08846

Dear: Mayor Dobies,

This is regarding the planned activities associated with the Green Brook Flood Control Project. The U. S. Army Corps of Engineers in connection with the New Jersey Department of the Environment is requesting permission for access to the property identified as Lincoln Boulevard Right of Way and Clay Avenue Right of Way, Middlesex County, New Jersey. Attached to the ROE, as Exhibit "A" is a location description and Exhibit "B," is a map delineating the areas that will be affected.

If you do not have any questions regarding this effort and agree to allow access, please sign and return both copies of the enclosed ROE forms in the envelope provided. Please print the name and telephone number(s) of the point(s) of contact on each of the forms in the space provided. The document does not have to be notarized. Once the Government has signed the agreement, a fully executed copy will be returned to you for your formal records.

Questions concerning the ROE form may be directed to Ms. Stephanie Hodges, U. S. Army Corps of Engineers, Baltimore District's Real Estate Division, at (410) 962-5195.

We greatly appreciate your cooperation and assistance.

Sincerely,

A handwritten signature in black ink, reading "Craig K. Homesley", is written over the typed name.

Craig K. Homesley
Chief, Civil/IIS Projects Support Branch
Real Estate Division

Enclosures

DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY FOR SURVEY AND EXPLORATION
GREEN BROOK FLOOD DAMAGE REDUCTION PROJECT

BOROUGH OF MIDDLESEX, MIDDLESEX COUNTY, NEW JERSEY

Lincoln Boulevard Right of Way, Clay Avenue Right of Way
(Property Identification)

The undersigned, hereinafter called the "Owner", hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government", a permit or right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of TWELVE (12) months from the date of this instrument, in order to survey, make test borings, and carry out such other exploratory work as described in attached Scope of Work to complete the investigation being made of said lands by the Government.
2. The permit includes the right of ingress and egress on other lands of the Owner not described below, but limited to those lands necessary to provide ingress and egress to the property identified as Lincoln Boulevard Right of Way, Clay Avenue Right of Way, Middlesex County, New Jersey as described in Exhibit A and as shown on Exhibit B.
3. All tools, equipment, buildings, improvements, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.
4. If any action of the Government's employees or agents in the exercise of this right-of-entry result in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

5. The land affected by this permit or right-of-entry is located in the State of New Jersey, County of Middlesex, and is described as follows:

Lincoln Boulevard Right of Way, Clay Avenue Right of Way, Middlesex County, New Jersey as described in Exhibit A and as shown on Exhibit B.

WITNESS MY HAND AND SEAL this _____ day of _____, 2016.

BY: _____

TITLE: _____

UNITED STATES OF AMERICA

Craig R. Homesley
Chief, Civil/IIS Projects Support Branch
Real Estate Contracting Officer
Real Estate Division

Boring	Location	Easting NJSP NAD83 ft	Northing NJSP NAD83 ft	Easting NJSP NAD27 ft	Northing NJSP NAD27 ft	Latitude DD.ddddddd	Longitude DDD.ddddddd	Latitude DD MM.mmmmm
SegC1-16-04	Lincoln Blvd right away undeveloped	497518.5	636468.0	2051578.4	636520.4	40.5807597830	074.4805812730	40 34.8455870
SegC1-16-06	Clay Ave right away undeveloped	497227.3	636385.3	2051287.4	636437.1	40.5805329350	074.4816297700	40 34.8319761
SegC1-16-07	Clay Ave right away, paved	496998.0	636467.0	2051057.9	636518.4	40.5807573380	074.4824552790	40 34.8454403
SegC1-16-08	Clay Ave right away, paved	496895.7	636538.0	2050955.5	636589.2	40.5809522950	074.4828235490	40 34.8571377

EXHIBIT A



Figure 1. Green Brook Segment C-1 survey area as received from the USACE as a pdf with Scope of Work.



DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY FOR SURVEY AND EXPLORATION
GREEN BROOK FLOOD DAMAGE REDUCTION PROJECT

BOROUGH OF MIDDLESEX, MIDDLESEX COUNTY, NEW JERSEY

Lincoln Boulevard Right of Way, Clay Avenue Right of Way
(Property Identification)

The undersigned, hereinafter called the "Owner", hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government", a permit or right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of TWELVE (12) months from the date of this instrument, in order to survey, make test borings, and carry out such other exploratory work as described in attached Scope of Work to complete the investigation being made of said lands by the Government.

2. The permit includes the right of ingress and egress on other lands of the Owner not described below, but limited to those lands necessary to provide ingress and egress to the property identified as Lincoln Boulevard Right of Way, Clay Avenue Right of Way, Middlesex County, New Jersey as described in Exhibit A and as shown on Exhibit B.

3. All tools, equipment, buildings, improvements, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.

4. If any action of the Government's employees or agents in the exercise of this right-of-entry result in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

5. The land affected by this permit or right-of-entry is located in the State of New Jersey, County of Middlesex, and is described as follows:

Lincoln Boulevard Right of Way, Clay Avenue Right of Way, Middlesex County, New Jersey as described in Exhibit A and as shown on Exhibit B.

WITNESS MY HAND AND SEAL this _____ day of _____, 2016.

BY: _____

TITLE: _____

UNITED STATES OF AMERICA

Craig R. Homesley
Chief, Civil/IIS Projects Support Branch
Real Estate Contracting Officer
Real Estate Division

HODGES/NAB-RE-C
HOMESLEY/NAB-RE-C

Boring	Location	Easting NJSP NAD83 ft	Northing NJSP NAD83 ft	Easting NJSP NAD27 ft	Northing NJSP NAD27 ft	Latitude DD.ddddddd	Longitude DDD.ddddddd	Latitude DD MM.mmmmm
SegC1-16-04	Lincoln Blvd right away undeveloped	497518.5	636468.0	2051578.4	636520.4	40.5807597830	074.4805812730	40 34.8455870
SegC1-16-06	Clay Ave right away undeveloped	497227.3	636385.3	2051287.4	636437.1	40.5805329350	074.4816297700	40 34.8319761
SegC1-16-07	Clay Ave right away, paved	496998.0	636467.0	2051057.9	636518.4	40.5807573380	074.4824552790	40 34.8454403
SegC1-16-08	Clay Ave right away, paved	496895.7	636538.0	2050955.5	636589.2	40.5809522950	074.4828235490	40 34.8571377

EXHIBIT A





MIDDLESEX BOROUGH POLICE DEPARTMENT

MEMORANDUM

TO: Mayor Ronald DiMura
FROM: Chief Matthew P. Geist *MR*
DATE: June 27, 2016
SUBJECT: Grade Advancement for Police Officer George Pilesky

Police Officer George Pilesky is eligible for advancement in grade pursuant to the Police Department Ordinance, Article XV.

I have reviewed his employee performance evaluations and the command officers and I have personally observed his job performance. Based on these evaluations and observations, I recommend that Officer Pilesky be advanced in grade to Police Officer Class "D", effective August 15, 2016.

Cc: Councilman Jack Mikolajczyk, Police Liaison
Kathleen Anello, Borough Clerk
Police Officer George Pilesky
Personnel File



MIDDLESEX BOROUGH POLICE DEPARTMENT

1101 Mountain Avenue
Middlesex, New Jersey 08846
732-356-1900
732-356-7218 Fax

Matthew P. Geist
Chief of Police

August 5, 2016

Middlesex Borough Mayor and Council
1200 Mountain Avenue
Middlesex, NJ 08846

Dear Mayor DiMura and members of the Council,

On behalf of the Middlesex Borough Police Department and Officer Joleen Auricchio, National Night Out Event Coordinator, I would like to thank you for supporting and taking part in our 7th Annual National Night Out. On Tuesday, August 2, 2016, members of the Middlesex Police Department were joined by community groups, business partners, emergency services and residents to join in a night of fun in a crime free environment. We were able to provide our guests with helpful information, entertainment, food, and giveaways. I could not have been more pleased with the response we received and the phenomenal turnout. Hundreds of residents took advantage of this wonderful event and spent the evening in support of building community partnerships and heightening crime awareness! Thank you kindly for your presence and continued support. We hope to continue working with you during future Community Policing events. Without your participation we could not have had such a successful National Night Out. Please be sure to mark your calendar for our 8th Annual National Night Out on Tuesday, August 1st, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "M-PG", is written over the printed name.

Matthew P. Geist
Chief of Police



LOCAL 255

VIA EMAIL

July 21, 2016

Mayor Ronald DiMura
Borough of Middlesex
1200 Mountain Avenue
Middlesex, NJ 08846

Re: Sally Lynch- Administrative Assistant

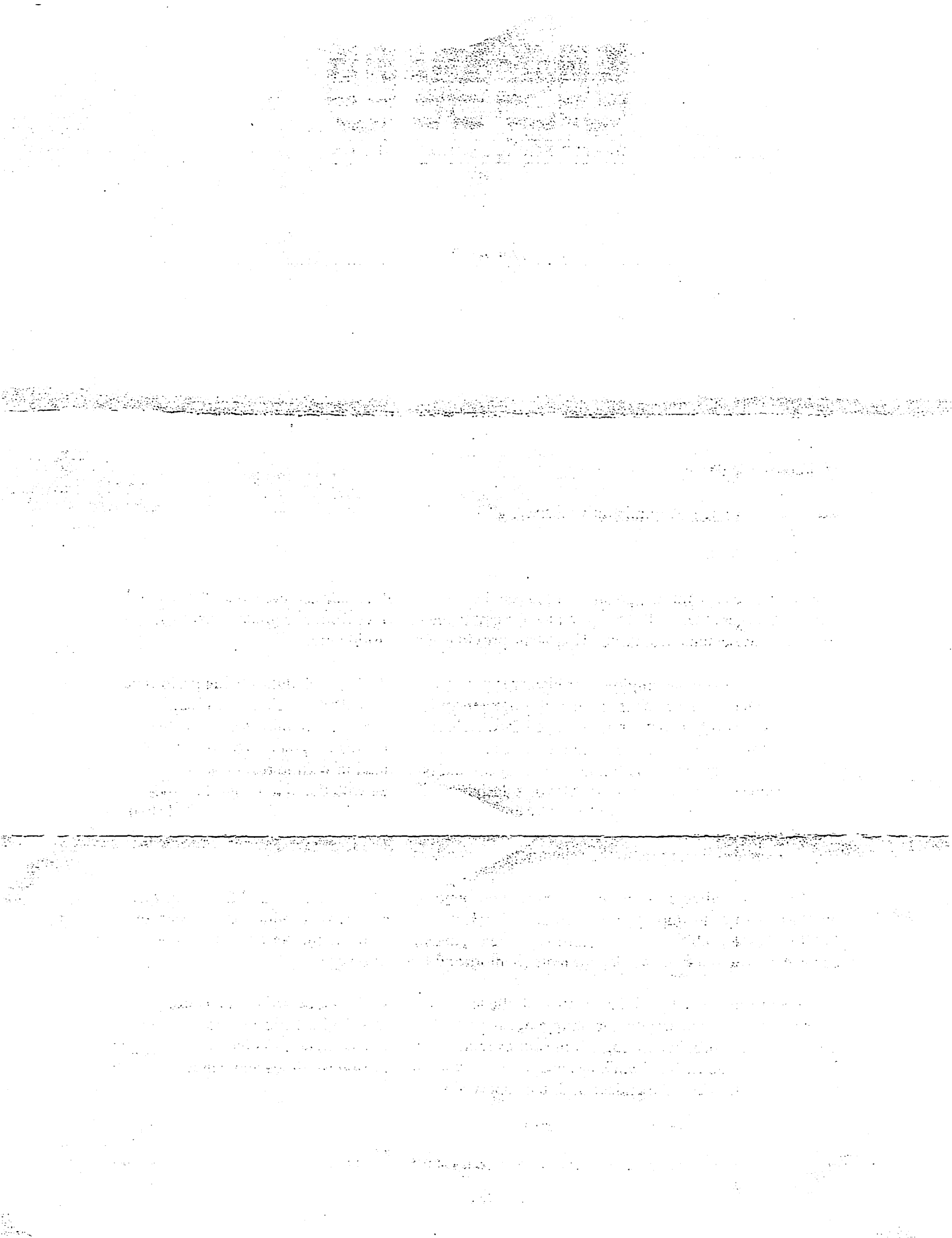
Dear Mayor DiMura:

The collective bargaining agreement between the Borough of Middlesex and Local 255, United Service Workers Union, IUJAT provides for employee upgrades from one grade to another. Article 17-Miscellaneous, Par.C- Upgrades, provides for the following:

“In the event an employee or his/her supervisor feels that the job duties being performed by an employee covered under this agreement have expanded to include increased responsibility, skill or ability, increased technical or certificate requirements, etc. that employee shall have the right to request an upgrade to a higher grade. The employee and/or supervisor shall notify the Mayor and/or Council in writing regarding his/her request. The Mayor or the Mayor’s designee will meet with the union regarding the employee’s upgrade request. Any current employee who is successfully upgraded shall be paid an amount equal to the lowest paid employee in that grade and shall receive pay increases according to the schedule in Appendix A.”

Ms. Lynch was hired as a full time employee on January 2, 2006. Prior to that Ms. Lynch was hired as a part-time employee in September 2003. Her current title is Administrative Assistant. In 2010, Ms. Lynch’s job responsibilities were expanded from being the Assistant from one department (Seniors) to two departments (Seniors and Recreation).

Since her hiring, Ms. Lynch has learned all the aspects of her job as required by the Borough. Especially, related to serving the unique needs of the Borough’s Senior Citizens, Ms. Lynch has acted independently in carrying out the duties required in that department. As the only employee in both departments, Ms. Lynch has had to learn many of the responsibilities and handle residents oftentimes independent of direct supervision.



Mayor Ronald DiMura
Borough of Middlesex
Page Two

Ms. Lynch has attended courses sponsored by Medicare to enable herself to assist seniors with their Medicare Part D advocacy. Ms. Lynch has also attended training for the SAMS program and is receiving continuing training in this important area.

Ms. Lynch also demonstrates independence in coordinating Meals on Wheels, as well as working with Middlesex County paratransit services to ensure medical and other transportation for Middlesex Senior Citizens.

For approximately six weeks a year, Ms. Lynch is essentially handling the department needs when her Department Heads are on vacation, attending conferences, meetings and other activities requiring their presence away from the office.

Ms. Lynch exemplifies the independence and work ethic of a grade higher than a Grade A. On a comparative basis, her work performance, her skill and ability, as well as her time on the job show that her position deserves to be upgraded to a Grade B.

Pursuant to the collective bargaining agreement between the Borough and Local 255, the Union and Ms. Lynch are requesting a meeting with you to ascertain the Borough's position with regards to this request.

Please advise your availability.

Thank you for your consideration in this matter.

Sincerely,



Edward T. Kahn
Business Agent

ETK:mh

Kathleen Anello

From: Lisa Fittipaldi <lfittipaldi@newjerseylaw.net>
Sent: Tuesday, August 09, 2016 2:45 PM
To: Kathleen Anello
Cc: Ron Di Mura
Subject: Re: Borough of Middlesex Employee Request under White Collar Contract

Dear Mayor and Kathy,

I reviewed the white collar contract and the letter from Ed Kahn about the administrative assistant request for an upgrade.

I do not find any support for the request in the contract.

Mr Kahn's letter makes it clear that the employee was given added responsibilities in 2010 in order to be a full time employee.

Article 17 of the contract has several references to the 2010 events. In subsections B, C, and D it specifically says that an employee who moves into a restructured position as a result of the budget actions taken in 2010 is not deemed to have a promotion or an upgrade. There is no support for her arguments in that Article. In fact both sides made the same point three times that there would be no additional remuneration for taking on a new /additional job at that time.

The Appendix that lists the job titles and their categories for pay purposes, her specific title is listed in as a grade A position. The request to change her grade should be considered to be reopening negotiations. If you decide to treat it that way then I recommend getting something in return. However, as the contract stands, there is no support for their request to upgrade to a Class B. It can be the subject of negotiations when you work on the next contract.

Please let me know if you have any questions about this matter.

Regards,

Lisa

On Mon, Aug 8, 2016 at 3:37 PM, Kathleen Anello <kanello@middlesexboro-nj.gov> wrote:

Lisa,

Attached is a letter from the White Collar Union Local 255 requesting a grade level increase for Sally Lynch who is an Administrative Asst. for Senior & Disabled Service and Recreation Dept. Mayor DiMura is asking you to read the contract and the request than provide us to what our next step would be. Thanks.

Kathleen Anello, RMC

Borough Clerk

Borough of Middlesex

1200 Mountain Avenue

Middlesex, NJ 08846

(732) 356-7400 ext. 236

(732) 439-1967

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☐	
☐	

Lisa M. Fittipaldi
Attorney At Law
15 Mountain Blvd
Warren , New Jersey 07059
Phone: (908) 757 7800 xt 224
Fax: (908) 757 8039
lfittipaldi@newjerseylaw.net

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