



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, April 9, 2019

7:00 PM

Municipal Building

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**

Attendee Name	Present	Absent	Late	Arrived
Mayor Ron DiMura	☐	☐	☐	
Council President John Madden	☐	☐	☐	
Council Member Douglas Rex	☐	☐	☐	
Council Member Jason Carr	☐	☐	☐	
Council Member Dan Parenti	☐	☐	☐	
Council Member Kevin Dotey	☐	☐	☐	
Council Member Jack Mikolajczyk	☐	☐	☐	

4. **PRESENTATIONS**
5. **APPOINTMENTS**
6. **PROCLAMATIONS**
7. **ORDINANCE(S) FOR INTRODUCTION**
 1. **Ordinance 1959-19** An Ordinance of the Borough of Middlesex, County of Middlesex, New Jersey, Authorizing a System to be Established to Provide Tax-Deferred Income Benefits to Eligible, Active Volunteer Members of the Middlesex Borough Fire Department
8. **ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**
9. **ADOPTION OF MINUTES**
 1. Approval of the March 26, 2019 Regular and Executive Meeting Minutes
 2. Approval of the April 4, 2019 Special & Executive Meeting Minutes
10. **MAYOR'S REPORT**
11. **REPORTS - STANDING COMMITTEES**

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Fire/OEM/Rescue Squad
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
 1. March 2019 Director's summary
 2. April 2019 Director's Report
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
6. Administration/Department of Senior Services/Legislation/Licensing
 1. Approval of the March, 2019 Analytic Report

12. 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.

13. 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 96-2019** Introduction of the 2019 Municipal Budget
2. **Resolution 97-2019** Authorizing the Mayor and Council to Waive the Developer's Agreement for 323 High Street, Block 40, Lot 41.02
3. **Resolution 98-2019** Acknowledging the Change in Status for Certain Properties under the Senior Citizen/Disabled Person/Veteran Tax Deductions
4. **Resolution 99-2019** Acknowledging the Change in Status for Certain Properties under the Senior Citizen/Disabled Person Tax Deductions
5. **Resolution 100-2019** Authorizing the Refund of a Non-Residential Resale Certificate in the Amount of \$250.00 for 663 Bound Brook
6. **Resolution 101-2019** Setting Extraordinary Compensation for the Borough Clerk
7. **Resolution 102-2019** Approval to Advance Patrolman James Morley to Patrolman Class "C" Effective April 9, 2019

8. **Resolution 103-2019** Approval of the Waiver of a Permit Fee for H.C. Pierce Hose Company

9. **Resolution 104-2019** Authorizing the Mayor to execute the Utility Engineering and Construction Agreement between the State of New Jersey Department of Transportation and the Borough of Middlesex

14. 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 105-2019** Pay All Claims

2. **Resolution 106-2019** Executive Session

15. AGENDA WORKSHOP ITEM

1. Update on Zero Lot Line Ordinance No. 1925-17

2. Request from Student for Filming Project at Victor Crowell Park

3. Limousine Licenses

4. 911 Agreement with Robert Wood

5. Rescue Task Force - Medical Director Appointment

16. 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.

17. EXECUTIVE SESSION

1. Borough Administrator

2. Municipal Court Judge

3. Contract Negotiations with US Dept. of Energy

18. ADJOURNMENT

1. The next Regular Meeting will be April 23, 2019

ORDINANCE #1959-19

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, AUTHORIZING A SYSTEM TO BE ESTABLISHED TO PROVIDE TAX-DEFERRED INCOME BENEFITS TO ELIGIBLE, ACTIVE VOLUNTEER MEMBERS OF THE MIDDLESEX BOROUGH FIRE DEPARTMENT

WHEREAS, the Borough of Middlesex deems it appropriate and necessary to act to ensure retention of existing members and to provide incentives for recruiting new volunteer firefighter organization members; and

WHEREAS, the Borough of Middlesex has determined that the creation of a Length of Service Award Program will enhance the ability of the Middlesex Borough Fire Department to recruit volunteer firefighters;

NOW THEREFORE BE IT ORDAINED, by the Borough of Middlesex, County of Middlesex, New Jersey that:

1. A Length of Service Award Program (LOSAP) is herewith in accordance with Chapter 388 of the Laws of 1997, to reward members of the volunteer Middlesex Borough Fire Department for their loyal, diligent, and devoted services to the residents of the Borough of Middlesex.
2. The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Borough of Middlesex pursuant to P.L. 1997, c. 338; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this ordinance.
3. The LOSAP shall provide for annual contributions to each eligible member that meets the criteria as set forth in the attached Schedule A
4. The estimated cost of the program has been calculated as follows:
 - a. For regular annual services:

Up to 100 members at \$1,150.00 per member,
for a total cost of \$115,000 per year.
5. Each active volunteer member shall be credited with points for volunteer services provided to the volunteer fire company and in accordance with the following Schedule A.
6. That this ordinance shall not take effect unless approved by voters as a public question at the next general election, said public question shall read as follows:

“BALLOT QUESTION”

Shall the Mayor and Council of the Borough of Middlesex, County of Middlesex, be authorized to establish a Length of Service Award Program (LOSAP) for the

benefit of the volunteer firefighters pursuant to the following terms and conditions:

1. The LOSAP program shall provide for a fixed annual contribution to a tax deferred income account for each eligible volunteer member that satisfies the criteria set forth below.
2. The LOSAP program shall provide for an annual contribution for each eligible volunteer member who accumulates 100 points during a calendar year pursuant to the point system adopted by the Borough of Middlesex.
3. The annual contribution amount for each year of future service for each eligible volunteer member shall be \$1,150.00. The estimated annual cost of this provision of the LOSAP program shall be based on 100 members for a total cost of \$115,000.00.

YES _____ NO _____

EXPLANATORY STATEMENT

The Borough of Middlesex seeks to establish a LOSAP program for the volunteer firefighters in order to enhance the providing of firefighting service by the retention and recruitment of volunteers. The specific details of the program are set forth on the ballot and more explicitly set forth in the Ordinance adopted by the Borough of Middlesex establishing the LOSAP program. The Ordinance and New Jersey Statute establishing the LOSAP are available for public inspection and may be examined by contacting the office of the Borough Clerk.”

SCHEDULE A

BOROUGH OF MIDDLESEX LENGTH OF SERVICE AWARD PROGRAM

A minimum of 100 points per year must be earned to qualify for LOSAP. Five (5) years accumulative years are necessary for vesting purposes.

1 point per year of service shall be awarded to each member. This includes all prior years' service not to be continuous and not to exceed 30 points maximum.

FIRE CALL: 60 points maximum

1 point per fire call can be earned. Member must be in physical attendance and must be affirmed by signature on the department fire call report.

DRILLS/TRAINING 30 points maximum

1 point per drill/training course. Must be in physical attendance with sign in and out. Must last minimum of 1 hour. Four (4) or more members must be present in order to be eligible for LOSAP.

BASIC FIREFIGHTER TRAINING

Upon satisfactorily completing Firefighter 1, member will receive 30 points.
Upon satisfactorily completing Firefighter 1, member will receive 30 points.

MEETINGS 15 points maximum

1 point per company or department meeting can be earned. The following department meetings shall count toward LOSAP. BOFO, committee meetings. The roll call portion of the meeting minutes shall affirm attendance.

DEPARTMENT OR COMPANY OFFICERS 10 points maximum

10 points can be earned by any member who holds an elected office in the department or company. Elected office shall be defined by the By-laws. A member may hold multiple positions and 5 points being awarded to two (2) positions totaling 10 points. These positions consist of company president vice-president, treasurer, secretary. BOFO treasurer, BOFO secretary, captain, lieutenant, engineer, assistant engineer, chief, 1st assistant chief, 2nd assistant chief. The member must hold the office for the entire year to be eligible. Partial terms will not be prorated for partial points.

FUNDRAISING 25 point maximum

Any fundraising activity to include fund drive, coin toss, etc., and each shift at the carnival will earn two (2) points.

MISCELLANEOUS DEPARTMENT COMMITTEES 5 point maximum

1 point can be earned for participation and attendance. Activities to include but not be limited to department committees and others not listed, (i.e. funerals)

WORK DETAILS 25 points maximum

1 point can be earned for each company and/or department work detail.

SPECIAL SITUATION REQUIREMENTS

MILITARY LEAVE OF ABSENCE

No points will be awarded unless Active Volunteer Member is participating (faithfully and actually) in activities of the Length of Service Award Program Point Schedule and their quarterly point percentage is within the scope of the program.

MEDICAL LEAVE OF ABSENCE

No points will be awarded unless the Active Volunteer Member is participating (faithfully and actually) in activities of the Length of Service Award Program Point Schedule and their quarterly point percentage is within the scope of the program.

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 April 9, 2019.

INTRODUCED: April 9, 2019

DATE OF PUBLICATION:
OF INTRODUCTION April 12, 2019

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

Resolution #96-2019

INTRODUCTION OF THE 2019 MUNICIPAL BUDGET

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 April 9, 2019.

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

Resolution #97-2019

AUTHORIZING THE MAYOR AND COUNCIL TO WAIVE THE DEVELOPER'S AGREEMENT FOR 323 HIGH STREET, BLOCK 40, LOT 41.02

WHEREAS, the Planning Board approved a minor subdivision for a new single family home located at 323 High Street, Block 40, Lot 41.02; and

WHEREAS, there will be no intrusions on roads or any special work being done that would require such an agreement.

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

1. The Governing Body hereby approves the waiver of a Developer's Agreement for the approved single family home to be located at 323 High Street, Middlesex, New Jersey for Block 40, Lot 41.02.

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 April 9, 2019.

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

Resolution #98-2019

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES
UNDER THE SENIOR CITIZEN/DISABLED PERSON/VETERAN TAX DEDUCTIONS**

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2017, and

WHEREAS, once homeowner is deceased said Senior Citizens/Disabled Persons / Veteran deductions remain on property until the property is sold or until the end of the year , and

WHEREAS, said deductions were not removed at the end of 2017, and

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2018 year totaling \$250.00.

Name	Block/Lot	Amount	Reason
Sobotka, Robert	338/1	\$250.00	DOD 3/2017

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 April 9, 2019.

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

Resolution #99-2019

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES
UNDER THE SENIOR CITIZEN/DISABLED PERSON TAX DEDUCTIONS**

WHEREAS, certain Senior Citizens/ Disabled Persons were the owners of the property in the Borough of Middlesex on or before October 1, 2018, and

WHEREAS, said Senior Citizens / Disabled Persons did file their claims for the Senior Citizen/ Disabled Person deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2018; and

WHEREAS, the Tax Collector has disallowed the following Senior Citizen/ Disabled Person deduction for the 2018 year totaling \$3750.00

Name	Block /Lot	Amount	Reason	Year
Cortese, Michael & Mary	4.01/1	\$250.00	Over Income	2018
Senna, Theresa V	6/6	\$250.00	Over Income	2018
O,Brien, Genevieve	59/10	\$250.00	Form Not Returned	2018
Gentile, Philip & Phyllis	71.01/2	\$250.00	Over Income	2018
Delmont, Robert	97/5	\$250.00	Removed Deduction per Homeowner	2018
Seip, Bruce & Patricia	100/10	\$250.00	Over Income	2018
Catona, Josette	180/9	\$250.00	Form Not Returned	2018
Ortiz, D, Necina, WH & Don J (LE)	239.01/14	\$250.00	Over Income	2018
Pohl, Donald & Marie	242/12.01	\$250.00	Form Not Returned	2018
Lance, Evelyn	244/8	\$250.00	Form Not Returned	2018
Danyov, Nancy	262/1.01/C039B	\$250.00	Over Income	2018
Macarone, Frank & Eleanor	278/25	\$250.00	Form Not Returned	2018
Errickson, Kimberly	283/41	\$250.00	Form Not Returned	2018
Brarens, Russell & Mary	313/8	\$250.00	Form Not Returned	2018
Vietri, Bridget & Anthony	329/2	\$250.00	Over Income	2018

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 April 9, 2019.

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

Resolution #100-2019

AUTHORIZING THE REFUND OF A NON-RESIDENTIAL RESALE CERTIFICATE IN THE AMOUNT OF \$250.00 FOR 663 BOUND BROOK

WHEREAS, Robert Ryan applied to the Construction Office for a Non-Residential Resale Certificate at 663 Bound Brook Rd and

WHEREAS, Robert Ryan submitted Check #5813 in the amount of \$250.00 on 2/27/19 in payment of said Non-Residential Resale Certificate; and

WHEREAS, no inspections were made and the sale of property did not take place.

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 \$250.00 in favor of Robert Ryan 90 Updikes Mill Rd Belle Meade NJ 08502 for refund of fee for Non-Residential Resale Certificate.

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 April 9, 2019.

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

Resolution #101-2019

SETTING EXTRAORDINARY COMPENSATION FOR THE BOROUGH CLERK

WHEREAS, the Borough of Middlesex ("Borough") offers employees health benefits through the State Health Benefits Program; and

WHEREAS, the Borough further offers employees alternative remuneration in the event they opt out of the Borough's health benefits plan; and

WHEREAS, the Municipal Clerk, Gretchen McCarthy ("McCarthy"), has declined to participate in the Borough's health benefits but, due to her current participation in the State Health Benefits Program, cannot accept the alternative remuneration as offered by the Borough; and

WHEREAS, McCarthy is the duly-appointed Borough Clerk pursuant to Section 68-1 of the Municipal Code of the Borough of Middlesex and the duly-appointed municipal clerk pursuant to N.J.S.A. 40A:9-133(a); and

WHEREAS, Section 68-2 of the Municipal Code of the Borough of Middlesex permits the Mayor and Council, via ordinance or resolution, to award the Borough Clerk such compensation as the Mayor and Council deems appropriate; and

WHEREAS, in compensation for her declination of health benefits under the Borough's plan, and in consideration of her inability to accept the alternate remuneration as offered by the Borough, it is the desire of the Mayor and Council to grant McCarthy additional paid time off; and

WHEREAS, the Borough Clerk's office currently closes at 1:30 p.m. on Fridays between the Memorial Day holiday and Labor Day holiday; and

WHEREAS, in consideration of McCarthy's aforementioned declination of health benefits, and pursuant to the power specifically granted to the Mayor and Council in Section 68-2 of the Municipal Code, the Mayor and Council wish to extend these Friday hours for McCarthy for the entire year; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby authorize and permit the McCarthy to conclude her work day 1:30 p.m. on Fridays;

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 April 9, 2019.

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

Resolution #102-2019

**APPROVAL TO ADVANCE PATROLMAN JAMES MORLEY TO PATROLMAN
CLASS "C" EFFECTIVE APRIL 9, 2019**

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

WHEREAS, On April 2, 2019 Chief Geist recommended Police Officer James Morley 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 James Morley be and is hereby advanced in grade to Patrolman Class "C" effective April 9, 2019 at an annual salary of \$92,677.

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 April 9, 2019.

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

Resolution #103-2019

**APPROVAL OF THE WAIVER OF A PERMIT FEE FOR H.C. PIERCE HOSE
COMPANY**

The governing body hereby approves waiving the Permit Fees for H.C. Pierce Hose Company for the replacement of their generator.

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 April 9, 2019.

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

Resolution #104-2019

**AUTHORIZING THE MAYOR TO EXECUTE THE UTILITY ENGINEERING AND
CONSTRUCTION AGREEMENT BETWEEN THE STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF MIDDLESEX**

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Utility Engineering and Construction Agreement UECA-02-ADA Central Contract 3-154190 between the State of New Jersey Department of Transportation and the Borough of Middlesex. This Agreement is for the verification, design, protection and/or relocation of certain public works facilities in connection with the design and construction of the ADA Central Contract 3 Project for Route 1, Route 206, Route 28, Route 31 and I-78.

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 April 9, 2019.

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

Resolution #105-2019

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 April 9, 2019.

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

Resolution #106-2019

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; 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. Borough Administrator
2. Municipal Court Judge
3. Contract Negotiations with US Dept. of Energy

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 April 9, 2019.