Borough of Middlesex

Mayor and Council Regular Meeting

~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, April 23, 2019 | **7:00 PM** | **Municipal Building**

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.

SALUTE TO FLAG

ROLL CALL

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

Also Present:
Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

1. Appointment of Dr. Ronald Frank as Medical Director for the Middlesex Borough Rescue Task Force

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council President
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

PROCLAMATIONS

1. Arbor Day - April 26, 2019

PROCLAMATION

WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, I, RONALD J. DIMURA, Mayor of the Borough of Middlesex, do hereby proclaim April 26, 2019, as

ARBOR DAY

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

The Borough Clerk announced that April 26, 2019 has been proclaimed as Arbor Day. Councilman Mikolajczyk reported that the Shade Tree Commission will be celebrating Arbor Day at a free seminar on April 27, 2019 at the Middlesex Library where they will hold a presentation about the Shade Tree Commission and what they do and also distribute tree saplings and bushes.

2. Mental Health Awareness Month May, 2019

WHEREAS, the U.S. Surgeon General's Report on mental Health has concluded that mental health is an essential component of overall health and well-being; and

WHEREAS, for more than 50 years, Mental Health America has proclaimed May as, "Mental Health Awareness Month", to raise awareness about mental health, combat and social stigma & discrimination associated with mental illness that often prevents people from seeking help, promote a message of hope and recovery, and celebrate consumer strength and resilience; and

WHEREAS, people with mental illness & addiction recover if given the necessary supports & services in the community, yet many avoid seeking help due to stigma and the fear of discrimination; and

WHEREAS, Middlesex County recognizes the stigma associated with mental illness & addiction and acknowledges that many people may remain unserved because of the stigma of seeking help. This month we call attention to this so we can bring mental illness and addiction out of the shadows and encourage treatment and support. We acknowledge that greater public awareness about mental health & addiction recovery can change negative attitudes and behaviors; and

WHEREAS, Middlesex County stands with those impacted by behavioral health challenges and pledges to increase awareness and greater understanding of these conditions. We will work to reduce stigma and discrimination, and increase appropriate, accessible supports and services. We will strive to promote a message of hope and the belief that healing and recovery are attainable.

NOW, THEREFORE I, Ronald J. DiMura, on behalf of the Governing Body of the Borough of Middlesex, do hereby proclaim the month of May, 2019 as Mental Health Awareness Month and call upon all citizens to participate in efforts to increase awareness and better understanding of mental illness & addiction, and work towards eliminating stigma in Middlesex Borough.

The Borough Clerk announced that May, 2019 has been proclaimed as Mental Health Awareness Month.

3. Older Americans Month - May, 2019

WHEREAS, Borough of Middlesex includes a growing number of older Americans who enrich our community through their diverse life experiences; and

WHEREAS, the Office of Aging is committed to strengthening our community by connecting with and supporting older adults, their families, and caregivers and acknowledging their many valuable contributions to society; and

WHEREAS, the Office of Aging recognizes the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being for the benefit of all; and

WHEREAS, the Office of Aging can enhance the lives of older Americans in our community by:

- promoting home and community-based services that support independent living;
- involving older adults in community events and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

NOW, THEREFORE , Ronald J. DiMura, Mayor of the Borough of Middlesex, do hereby proclaim May 2019 to be Older Americans Month. I urge every resident to take time during

this month to recognize older adults and the people who serve them as essential and valuable members of our community.

The Borough Clerk announced that May, 2019 has been proclaimed Older Americans Month.

4. Denim Day - April 24, 2019

DENIM DAY

WHEREAS, Sexual Assault Awareness Month and the observance of "Denim Day" are intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Middlesex County including lifelong mental health impact; and

WHEREAS, sexual assault, sexual abuse, and sexual harassment impact our community as statistics indicate that every 98 seconds, someone in the USA is sexually assaulted, and every 11 minutes, the victim is a child; and

WHEREAS, prevention is possible so we must work together to educate our community about what can be done to stop sexual violence - such as by asking, accepting, and respecting boundaries - while supporting survivors; and

WHEREAS, staff and volunteers of anti-violence and prevention programs in Middlesex County including the Middlesex County Center for Empowerment and Sexual Violence Prevention Coalition encourage every person to speak out when witnessing acts of violence, however small, and to challenge the social norms that continue to perpetuate a culture of violence; and

WHEREAS, the New Jersey Sex Crimes Officers Association and the Middlesex County Sex Crimes Liaison Officers in connection with the Middlesex County Prosecutors Office are dedicated to ensuring the effective investigation and prosecution of sex crimes in our community through interagency collaboration and training; and

WHEREAS, with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in Middlesex County through increased awareness, prevention education focused on increasing gender equity, healthy relationships and bystander intervention, and holding perpetrators who commit acts of violence responsible for their actions; and

WHEREAS, throughout the month of April, Middlesex County strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

NOW, THEREFORE, I, Ronald J. Dimura, Mayor of the Borough of Middlesex, along with the members of the governing body do hereby proclaim April, 2019 as:

SEXUAL ASSAULT AWARENESS MONTH

And that we join anti-sexual violence advocates and support service programs in the belief that all community members must be part of the solution to end sexual violence and encourage the observation of Denim Day on Wednesday, April 24, 2019.

The Borough Clerk announced that April 24, 2019 has been proclaimed as Denim Day.

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1959-19 by title:

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 2, 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.

Mayor DiMura opened the Public Hearing on Ordinance No. 1959-19. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on this ordinance.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Douglas Rex, Council Member
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the April 9, 2019 Regular & Executive Meeting Minutes

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Douglas Rex, Council Member
SECONDER:	John Madden, Council President
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

MAYOR'S REPORT

1. Mayor DiMura welcomed our new Borough Administrator & CRS Director, Marcia Karrow.

2. Mayor DiMura reported that Phase I of the sewer project has been completed. They are working on some manhole work and are in the process of beginning Phase II, which is for the two smaller pump stations. This work should help the borough with its sewer costs.

3. Mayor DiMura stated that now that we have a new Administrator on board he is recommending to Council that the Department Heads now forward all Purchase Orders to the Business Administrator for approval, with a copy to Mayor DiMura and to their liaison.

4. Mayor DiMura mentioned that the Fire Department Carnival is being held this week and requested that all residents please go out to support the Fire Department.

5. Mayor DiMura has asked the Business Administrator to start the process to work with engineer to help prepare the bid package for the Streetscape Project. The Mayor will be appointing a committee to discuss ideas regarding that project.

6. Mayor DiMura mentioned the recent problem that the borough had last week with the curbside recycling on Melrose Avenue, Green Avenue and Fairview Avenue. Last Friday he was notified that the County did not pick up three streets and he had to request that our DPW pick up this recycling. Mayor DiMura expressed his frustration with the borough having to repeatedly reach out to the County and the contractor regarding issues that we have encountered with the trucks missing streets on the routes, broken down trucks, broken glass on the streets and items left on the streets after falling off the trucks. Mayor DiMura is requesting that the Borough Administrator get the cost for us to have our employees pick up this recycling last week and let the County know that we are taking that cost off of our payment. The Mayor requested that the Borough Administrator put a bid together to see what companies have to offer and look into going through a different company and not the county at this time. Also, Mayor DiMura requested council's approval to have the Administrator start the process to take the service back in house. Council approved.

7. Mayor DiMura stated that all Borough Public Officials are encouraged to do an online seminar by May 1st which will save the borough $250 per official for our costs for the Joint Insurance Fund. The Administrator will send out a calendar invite for the Council to participate in this online seminar.

8. Mayor DiMura reminded Council that Financial Disclosure Forms are due April 30.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

There were no reports.

Fire/OEM/Rescue Squad

1. Approval of the March, 2019 Fire Chief's Report

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Douglas Rex, Council Member
SECONDER:	Kevin Dotey, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

Recreation/Recreation Fields/Swim Pool/Community Celebrations

There were no reports.

Public Works/Buildings & Grounds/Recycling

1. Approval of the March, 2019 DPW Report

Councilman Parenti reported that the Gazebo looked great for Easter. Mayor DiMura indicated that park behind the library should be open by Memorial Day. The Mayor discussed the area where the Army Corp. is spreading stone behind the American Legion, because he has a safety concern with people parking and getting in and out as it is a dangerous bend. We have asked the Corp., since they own the property, if it is ok for the borough to install a chain link fence with a gate. This will be discussed at a further meeting.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dan Parenti, Council Member
SECONDER:	John Madden, Council President
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court

Councilman Dotey stated that the pole and light for the driveway was installed at the Police Station.

1. Approval of the First Quarter, 2019 Zoning Report

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kevin Dotey, Council Member
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

2. Approval of the March, 2019 Police Report

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kevin Dotey, Council Member
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

Administration/Department of Senior Services/Legislation/Licensing

Councilman Carr mentioned that the Board of Education will be holding a Special Meeting on the school budget on May 6, 2019.

PRIVILEGE OF THE FLOOR

Dave Polakiewicz, 240 Hazelwood Avenue questioned if the attorney had seen the OLMV litigation and Attorney Corsini stated the he would give council an update once he has seen all the documents. Mr. Polakiewicz also questioned the commencement date of the OLMV Lease and the Mayor was advised by Attorney not to discuss. Mr. Polakiewicz also questioned the supplies that were purchased by the CRS Coordinator and also a posting that was made by the Mayor regarding 229 Bound Brook Road.

Bob Edwards, 243 Hazelwood Avenue stated that the motion to appoint Dr. Frank as Medical Director to the Rescue Task Force was not read in full.

Rich Rutkowski, 211 Maple Street gave his synopsis on the OLMV litigation and was concerned if the borough was going to pay for the second motion. Attorney Corsini advised that this matter should not be discussed.

Mayor DiMura responded to all questions that were addressed to him.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Parenti, Council Member
SECONDER:	Douglas Rex, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 109-2019

REFUNDING 2016 HOMESTEAD REBATE FOR BLOCK 84, LOT 15, 40 RAMSEY ROAD

WHEREAS, 2016 Homestead Rebates were applied electronically to 2nd Quarter 2019 taxes, and,

WHEREAS, homeowner is 100% Disabled Veteran and exempt from paying property taxes, and

THEREFORE, the Tax Collector is hereby authorized to refund the 2016 Homestead Rebate, in the amount of $302.41, for Block 84 Lot 15, 40 Ramsey Road. The check is to be made payable to:

Peter Fusco
40 Ramsey Road
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

RESOLUTION 110-2019

REFUNDING 2016 HOMESTEAD REBATE FOR BLOCK 224, LOT 11.01, 211 - 213 SEVENTH STREET

WHEREAS, 2016 Homestead Rebates were applied electronically to 2nd Quarter 2019 taxes, and,

WHEREAS, homeowner is 100% Disabled Veteran and exempt from paying property taxes, and

THEREFORE, the Tax Collector is hereby authorized to refund the 2016 Homestead Rebate, in the amount of $138.94, for Block 224 Lot 11.01, 211-213 Seventh Street. The check is to be made payable to:

Teresa Pawlowski

211-213 Seventh Street
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

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

RESOLUTION 111-2019

APPROVAL FOR THE RESIDENTS OF 300 GREENE AVENUE TO CONDUCT A BLOCK PARTY ON DELAWARE AVENUE BETWEEN MELROSE AVENUE AND GREENE AVENUE ON MAY 25, 2019 BETWEEN THE HOURS OF 10 A.M. AND 10 P.M.

WHEREAS, the residents of 300 Greene Avenue have requested to have a block party on Delaware Avenue between Melrose Avenue and Greene Avenue on May 25, 2019 between the hours of 10 a.m. and 10 p.m.; and

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

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

1. The Governing Body hereby grants approval to the residents of 300 Greene Avenue to conduct a block party on Delaware Avenue between Melrose Avenue and Greene Avenue on May 25, 2019 between the hours of 10 a.m. and 10 p.m.

2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

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

RESOLUTION 112-2019

AUTHORIZING THE 2019 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been made available for public inspection and have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that the 2019 municipal budget shall be read by title only.

The Borough Clerk read the following resolution:

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

RESOLUTION 113-2019

REFUND OF $250.00 FEE FOR NON-RESIDENTIAL RESALE LEASED CERTIFICATE FOR 663 BOUND BROOK ROAD

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

WHEREAS, Olga Rediger submitted Check #93 in the amount of $250.00 on 2/28/19 in payment of said Non-Residential Resale Leased Certificate; and

WHEREAS, no inspections were made and the business was unable to get zoning approval and inspections 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 Olga Rediger,197 North Lehigh Ave., Cranford NJ 07016 for refund of fee for Non-Residential Resale Leased Certificate.

The Borough Clerk read the following resolution:

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

RESOLUTION 114-2019

AMENDING RESOLUTION #88-2019 TO CHANGE THE FEE AMOUNT TO BE SENT TO THE MIDDLESEX COUNTY CLERK TO CANCEL TAX SALE CERTIFICATE 17-00009

WHEREAS, Resolution #88-2019 was adopted on March 26, 2019 “Authorizing the Tax Collector to Cancel Tax Sale Certificate 17-00009 for Block 291, Lot 50; and

WHEREAS, in that resolution the Tax Collector authorized a check in the amount of $23.00 be issued to the Middlesex County Clerk to cancel Tax Sale Certificate 17-00009; and

WHEREAS, the Tax Collector has requested that this check be amended to the amount of $11.00 to cancel this certificate. The check should be made payable to:

Middlesex County Clerk
P O Box 1110
New Brunswick, NJ 08903-1110

The Borough Clerk read the following resolution:

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

RESOLUTION 115-2019

APPROVAL OF THE 2018 RECYCLING TONNAGE GRANT APPLICATION

TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2018 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Middlesex to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Borough of Middlesex hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates David Sliker to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The Borough Clerk read the following resolution:

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

RESOLUTION 116-2019

APPROVAL OF THE UNUM RENEWAL RATES FOR 2019

WHEREAS, Unum Group benefits premium rates have not increased since the year 2000 and are now being increased as noted below:

	Current Rate	Renewal Rate	Current Premium	New Premium	Effective Date	Guaranteed through
Long Term Disability Insurance	0.32	0.32	$1433.09	$1433.09	5/1/2019	5/1/2020

Short Term Disability Insurance	0.93	0.93	$2232.60	$2232.60	5/1/2019 5/1/2020
Life Insurance	0.260	0.300	$191.10	$220.50	5/1/2019 5/1/2020
AD&D Insurance	0.010	0.010	$7.15	$7.15	5/1/2019 5/1/2020

WHEREAS, the premium rate increase will be effective 5/1/2019 and are guaranteed through 5/1/2020.

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 Mayor and Council hereby approve monthly premium rate increase of $29.40 effective 5/1/2019 through 5/1/2020.

The Borough Clerk read the following resolution:

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

RESOLUTION 117-2019

AUTHORIZING REDEMPTION FUNDS FOR REDEEMING A LIEN FOR BLOCK 293, LOT 27.01

WHEREAS, said liens have been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts;

WHEREAS, the interest and payment were calculated for April 23rd;

THEREFORE, the Tax Collector is hereby authorized to issue a check to Henry Hansch, Jr., 504 Chandler Lane, Whippany, NJ 07981-0439 in the following amounts:

Date of Sale	Block	Lot	Amount	Premium	Certificate
3/20/19	293	27.01	$27.00	$100.00	18-00006

The Borough Clerk read the following resolution:

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

RESOLUTION 118-2019

AUTHORIZING THE MAYOR AND CLERK TO SIGN A REVISED QUIT CLAIM DEED FOR BLOCK 268, LOT 2, IN CONNECTION WITH THE GREENBROOK FLOOD CONTROL PROJECT

WHEREAS, for the purposes of the Greenbrook Flood Control Reduction Project, the Borough of Middlesex adopted Resolution 46-2019 on January 29, 2019, thereby agreeing to convey its rights to the United States Army Corps of Engineers, for real property known as Block 268, Lot 2 in the Borough; and

WHEREAS, the Borough of Middlesex has been advised of the need to revise wording of the original Quit Claim Deed pertaining to the conveyance of the specified property; and

WHEREAS, the revised Quit Claim Deed requires the signature of the Mayor and Municipal Clerk;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor and Municipal Clerk be and are hereby authorized to execute the attached revised Quit Claim Deed in order to effectuate the conveyance of Block 268 Lot 2 to the United States Army Corps of Engineers for the Greenbrook Flood Control Reduction Project.

The Borough Clerk read the following resolution:

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

RESOLUTION 119-2019

APPOINTMENT OF SPERO KALAMBAKAS TO FILL THE UNEXPIRED TERM OF DENNIS FACKELMAN AS MUNICIPAL COURT JUDGE

WHEREAS, N.J.S.A. 2B:12-4 provides that a municipality must appoint a municipal court judge for a three year term and the term of the present municipal court judge, Dennis Fackelman, expires on December 31, 2019; and

WHEREAS, Judge Fackelman has informed the Borough that he will be retiring effective April 30, 2019; and

WHEREAS, N.J.S.A. 2B:12-4 also provides that any appointment not caused by the expiration of term shall be made for the unexpired term only; and

WHEREAS, the governing body wishes to retain the services of Spero Kalambakas as the municipal magistrate for the Borough of Middlesex effective May 1, 2019; and

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

1. Effective May 1, 2019, Spero Kalambakas is appointed as the Municipal Court Judge for the Borough of Middlesex, filling the unexpired term of retiring Judge Dennis Fackelman, which is to expire December 31, 2019, at a fee as set forth in the salary ordinance.

The Borough Clerk read the following resolution:

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

RESOLUTION 120-2019

APPROVE AGREEMENT WITH RWJHN FOR THE PROVISION OF EMERGENCY MEDICAL TELEPHONE SCREENING SERVICES *- Item Removed from Consent*

The Mayor and Borough Clerk of the Borough of Middlesex are hereby authorized to execute the agreement between the Borough of Middlesex and Robert Wood Johnson Health Network for the provision of 9-1-1 Emergency Medical Telephone Screening Services for a five (5) year term.

RESULT:	**ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Dan Parenti, Council Member
SECONDER:	Douglas Rex, Jason Carr
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 121-2019

RELEASE OF PERFORMANCE GUARANTEES OF 150 LINCOLN BOULEVARD, LLC BEING HELD FOR THE PROJECT AT BLOCK 129, LOT 122 AND BLOCK 348, LOTS 1-3

WHEREAS, the developer of 150 Lincoln Boulevard, LLC, has posted performance guarantees in the form of paper bond #105841699, in the amount of $774,821.72, issued by Travelers Casualty and Surety Company of America as well as a cash bond in the amount of $86,091.30 for the project on Block 129, Lot 122 and Block 348, Lots 1-3; and

WHEREAS, on April 11, 2017, the Mayor and Borough Council, via Resolution #94-17 authorized the reduction of the specified guarantees; and

WHEREAS, the developer has submitted two (2) year maintenance bond #105841699M2, issued by Travelers Casualty and Surety Company of America and is requesting the release of all performance guarantees due to the completion of the project on Block 129, Lot 122 and Block 348, Lots 1-3.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, Middlesex County, New Jersey that the release of Performance Bond #105841699 issued by Travelers Casualty and Surety Company of America in the amount of $232,446.52 and cash bond in the amount of $26,090.00 are hereby released.

The Borough Clerk read the following resolution:

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

RESOLUTION 122-2019

AUTHORIZING THE SALE OF PROPERTY CONSISTING OF 0.052 ACRES KNOWN AS A PORTION OF LOT 5 IN BLOCK 56 ON THE MIDDLESEX BOROUGH TAX MAP, LOCATED NEAR NEW STREET AT THE JUNCTURE OF FIRST STREET AND SECOND STREET TO RICHARD AND SARAH PREGO PURSUANT TO THE PROVISIONS OF ORDINANCE 1956-19 FOR THE PURCHASE PRICE OF $2,500.00

WHEREAS, the Borough Council adopted an Ordinance entitled "AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.052 ACRES KNOWN AS A PORTION OF LOT 5 IN BLOCK 38 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED NEAR NEW STREET AT THE JUNCTURE OF FIRST STREET AND SECOND STREET PURSUANT TO N.J.S.A. 40A:12-13(b)(5)" on March 12, 2019; and

WHEREAS, pursuant to the terms of the Ordinance, the Borough offered the Property for private sale to the contiguous property owners by letter sent certified, return receipt requested; and

WHEREAS, the sale of the Property was also advertised in the Courier News on March 15, 2019; and

WHEREAS, the Township received only one bid from Richard and Sarah Prego in the amount of $2,500.00 which was accompanied by a deposit of in the form of a certified check in the amount of $250.00;

NOW, THEREFORE, BE IT RESOLVED, that the Borough attorney is authorized to take such action as required to convey the Property to Richard and Sarah Prego;

IT IS FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to sign such documents as are necessary to convey the Property to Richard and Sarah Prego for the consideration of $2,500.

The Borough Clerk read the following resolution:

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

RESOLUTION 123-2019

APPROVAL OF RELEASE OF PERFORMANCE BOND HELD FOR THE RUNYON AVENUE ROAD IMPROVEMENTS PROJECT TO TOP LINE CONSTRUCTION CORP.

WHEREAS, final payment to Top Line Construction Corp. has been submitted for the Runyon Avenue Road Improvements Project; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, the Borough Engineer, by letter dated March 27, 2019, has recommended the release of Performance Bond No. CA-2569555, issued by Great American Insurance Company in the amount of $209,262.35, which was submitted by Top Line Construction Corp., and is being held by the Borough for the Runyon Avenue Road Improvements; and

WHEREAS, Remington & Vernick Engineers has reviewed all documents and is recommending release of the Performance Bond;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey in accordance with NJAC 40:55D-53c. (1) of the Municipal Land Use Law, and by recommendation of the Remington & Vernick Engineers, the governing body hereby agrees to release the performance bond for the Runyon Avenue Road Improvements Project.

NON-CONSENT AGENDA/RESOLUTIONS

1. Councilman Madden made a motion to add three Resolutions to the Agenda

Council discussed the procedure that had been followed in the past with all previous professional service contracts and after discussion with the Borough Attorney the following resolutions were added to the minutes.

RESULT:	**ADOPTED [4 TO 2]**
MOVER:	John Madden, Council President
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Mikolajczyk
NAYS:	Parenti, Dotey

The Borough Clerk read the following resolution:

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

RESOLUTION 124-2019

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.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Madden, Council President
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 125-2019

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. Personnel - Tax Assessor

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Parenti, Council Member
SECONDER:	Douglas Rex, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 126-2019

AUTHORIZING THE EMPLOYMENT OF MATTHEW MOENCH OF THE LAW OFFICES OF MOENCH LAW, LLC SPECIAL COUNSEL TO REPRESENT THE BOROUGH OF MIDDLESEX AS CONFLICT TAX APPEAL ATTORNEY

WHEREAS, Middlesex Borough requires a special counsel to represent to Borough in matters where the Tax Appeal Attorney may have a conflict of interest; and

WHEREAS, the Borough Attorney has interviewed and is recommending to the Council that Matthew C. Moench, Esq., be retained as special counsel for the aforementioned purpose at the following rates:

$150.00 per hour for attorney time in an amount not to exceed $7,500.00

NOW, THEREFORE, BE IT RESOLVED, that Matthew C. Moench, Esq. has been retained as special counsel; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to execute a Professional Services Agreement with the firm of Moench Law, LLC to effectuate the terms of this resolution.

RESULT:	**DEFEATED [3 TO 4]**
MOVER:	John Madden, Council President
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr
NAYS:	DiMura, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 127-2019

AUTHORIZING THE EMPLOYMENT OF RICHARD FLAUM OF THE LAW OFFICES OF DIFRANCESCO, BATEMAN, KUNZMAN, DAVID, LEHRER & FLAUM, P.C. SPECIAL COUNSEL TO REPRESENT THE BOROUGH OF MIDDLESEX AS CONFLICT LABOR ATTORNEY

WHEREAS, Middlesex Borough requires a special counsel to represent to Borough in matters where the Labor Attorney may have a conflict of interest; and

WHEREAS, the Borough Attorney has interviewed and is recommending to the Council that Richard Flaum, Esq., be retained as special counsel for the aforementioned purpose at the following rates:

$150.00 per hour for attorney time in an amount not to exceed $5,000.00

NOW, THEREFORE, BE IT RESOLVED, that Richard Flaum, Esq. has been retained as special counsel; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to execute a Professional Services Agreement with the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. to effectuate the terms of this resolution.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 5/14/2019 7:00 PM**
MOVER:	John Madden, Council President	
SECONDER:	Jason Carr, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

The Borough Clerk read the following resolution:

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

RESOLUTION 128-2019

AUTHORIZING THE EMPLOYMENT OF JOLANTA MAZIARZ OF THE LAW FIRM OF VENTURA, MEISOWITZ, KEOUGH & WARNER, PC SPECIAL COUNSEL TO REPRESENT THE BOROUGH OF MIDDLESEX AS CONFLICT BOROUGH ATTORNEY

WHEREAS, Middlesex Borough requires a special counsel to represent to Borough in matters where the Borough Attorney may have a conflict of interest; and

WHEREAS, the Borough Attorney has interviewed and is recommending to the Council that Jolanta Maziarz, Esq., be retained as special counsel for the aforementioned purpose at the following rates:

$150.00 per hour for attorney time in an amount not to exceed $7,500.00

NOW, THEREFORE, BE IT RESOLVED, that Jolanta Maziarz, Esq. has been retained as special counsel; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to execute a Professional Services Agreement with the firm of Ventura, Meisowitz, Keough and Warner, PC to effectuate the terms of this resolution.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 5/14/2019 7:00 PM**
MOVER:	John Madden, Council President	
SECONDER:	Jason Carr, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

1. Personnel - Tax Assessor

ADJOURNMENT

The next Regular Meeting will be May 14, 2019

Respectfully yours,

Borough Clerk