



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1400 Mountain Avenue
Middlesex, NJ

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

Tuesday, August 24, 2021

7:00 PM

Recreation Center

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

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

IV. PRESENTATIONS

V. APPOINTMENTS

- 1. Appointment of Todd Nicolay as Alt. II to the Joint Land Use Board

VI. PROCLAMATIONS

VII. ORDINANCE(S) FOR INTRODUCTION

- 1. **Ordinance 2040-21** BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1907-17 ADOPTED ON FEBRUARY 28, 2017, PROVIDING FOR A SANITARY SEWER REHABILITATION PROJECT FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE PHASE II OF SAID PROJECT, AND TO INCREASE THE APPROPRIATION THEREFOR BY \$500,000 FOR A TOTAL APPROPRIATION OF \$2,950,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$500,000 FOR A TOTAL DEBT AUTHORIZATION OF \$2,827,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

2. **Ordinance 2041-21** AN ORDINANCE AMENDING CHAPTER 317 ENTITLED "PROPERTY MAINTENANCE" SECTION 317-12 ENTITLED "ADMINISTRATIVE PROCEDURES" TO REVISE THE NOTICE REQUIREMENTS FOR REPEATED VIOLATIONS OF THE SAME OFFENSE CONCERNING THE SAME PROPERTY
3. **Ordinance 2042-21** AN ORDINANCE AMENDING CHAPTER 332-9 ENTITLED "PROHIBITED WASTES OR WATER" TO PROVIDE FOR GREASE TRAP AND INTERCEPTOR REGULATIONS

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

1. **Ordinance 2039-21** BOND ORDINANCE PROVIDING VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$2,032,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,567,700 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

IX. ADOPTION OF MINUTES

1. Approval of the July 27, 2021 Regular Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

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

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

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

- #### **XIV. NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS:**
- Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate

discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. **Resolution 225-2021** Acceptance of Standing Reports
2. **Resolution 226-2021** Authorizing the Mayor and Borough Clerk to Execute the Municipal Alliance Contract Agreement between the County of Middlesex and the Borough of Middlesex for FY2022
3. **Resolution 227-2021** Accepting the Retirement of Lieutenant Dan O'Connor Effective August 1, 2021 and Authorizing the Treasurer to Pay the Full Allowance of \$75,945.50 in Accordance with the PBA Union Contract
4. **Resolution 228-2021** Notice of Intent to Donate the Real Property Required for Construction and Maintenance of Project Improvements for Easement Tracts 718E and 736E to the United States Army Corps of Engineers
5. **Resolution 229-2021** Approval of an Amusement Machine License for Ellery's Grill Inc.
6. **Resolution 230-2021** Approving a Reimbursement of \$50.00 to Kona Ice for Payment of Their Board of Health Mercantile License Fee
7. **Resolution 231-2021** Authorizing the Tax Collector to Waive or Adjust Sewer Bills for Various Property Owners
8. **Resolution 232-2021** Approval for the Residents of 437 High Street to Conduct a Block Party on High Street between First Street and New Street on September 25, 2021 between the Hours of 2 P.M. and 10 P.M.
9. **Resolution 233-2021** Accepting the Retirement of Captain Frank DeNick Effective September 1, 2021 and Authorizing the Treasurer to Pay the Full Allowance of \$85,354.10 in Accordance with the PBA Union Contract
10. **Resolution 234-2021** Authorizing the Mayor to Execute an Estoppel Certificate by, and Between, the Borough of Middlesex and Middlesex Residential Urban Renewal, LLC, for Property Designated as Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 on the Official Tax Maps of the Borough
11. **Resolution 235-2021** Approving the Place-to-Place Transfer for the Extension of Premises for Ellery's Grill Inc. (License 1211-32-004-002) Effective August 24, 2021
12. **Resolution 236-2021** Accepting the Resignation of Tom Reilly, Middlesex Borough Tax Assessor Effective October 15, 2021
13. **Resolution 237-2021** Reimbursement of Dog License Fee in the Amount of \$13.00 to Meagan Vincent, 15 Madison Avenue, East Brunswick, New Jersey

14. **Resolution 238-2021** Terminating the Contract for the Janitorial/Cleaning Services of the Recreation/Senior Building with Buildingstars Operations, Inc. Effective September 11, 2021 and Awarding the Bid to the Next Lowest Bidder, BK & J Spotless, LLC, for a Contract Effective August 16, 2021 through May 31, 2022, Pending a Satisfactory Background Check
15. **Resolution 239-2021** Approving the Mayor and Borough Clerk to Execute the New Jersey Department of Transportation Jurisdictional Agreement #4909 for the Route 28 Streetscape
16. **Resolution 240-2021** Approval to Advance Patrolman Anthony Painchaud to Patrolman Class "B" at an Annual Salary of \$ \$104,678 Effective July 20, 2021
17. **Resolution 241-2021** Approval to Advance Patrolman Colin DeVincenzo to Patrolman Class "B" at an Annual Salary of \$ \$104,678 Effective August 17, 2021
18. **Resolution 242-2021** Approval to Advance Patrolman Paul Cerreto to Patrolman Class "C" at an annual Salary of \$94,994 effective August 9, 2021
19. **Resolution 243-2021** Approval to Advance Patrolman Robert Dangler to Patrolman Class "C" at an annual Salary of \$94,994 effective August 9, 2021
20. **Resolution 244-2021** At the Recommendation of Police Chief Geist Appointing Police Officer Mark Melchiorre as a Temporary Acting Sergeant Effective September 1, 2021 for a Period not to Exceed 6 Months
21. **Resolution 245-2021** At the Recommendation of Police Chief Geist Appointing Police Officer Ryan Skow as a Temporary Acting Sergeant Effective September 1, 2021 for a Period not to Exceed 6 Months
22. **Resolution 246-2021** At the Recommendation of Police Chief Geist Appointing Police Officer Sean Flanagan as a Temporary Acting Sergeant Effective September 1, 2021 for a Period not to Exceed 6 Months
23. **Resolution 247-2021** At the Recommendation of Police Chief Geist Appointing Sergeant Chad Corner as a Temporary Acting Lieutenant Effective September 1, 2021 for a Period not to Exceed 6 Months
24. **Resolution 248-2021** At the Recommendation of Police Chief Geist Appointing Sergeant Thomas Carroll as a Temporary Acting Lieutenant Effective September 1, 2021 for a Period not to Exceed 6 Months
25. **Resolution 249-2021** Authorizing the Reimbursement of \$25.00 for the 2021-2022 Board of Health Mercantile License to Michelle Rubis-Flores, 500 Volvo Pkwy, Chesapeake, VA,

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

1. **Resolution 250-2021** Pay All Claims
2. **Resolution 251-2021** Executive Session

XVI. AGENDA WORKSHOP ITEM

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

XVIII. EXECUTIVE SESSION

1. Contract Negotiations - PBA
2. Contract Negotiations - 242 Lincoln Boulevard - The View PILOT Agreement

XIX. ADJOURNMENT

1. The next Regular Meeting will be September 14, 2021

ORDINANCE #2040-21

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1907-17 ADOPTED ON FEBRUARY 28, 2017, PROVIDING FOR A SANITARY SEWER REHABILITATION PROJECT FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE PHASE II OF SAID PROJECT, AND TO INCREASE THE APPROPRIATION THEREFOR BY \$500,000 FOR A TOTAL APPROPRIATION OF \$2,950,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$500,000 FOR A TOTAL DEBT AUTHORIZATION OF \$2,827,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 1907-17 on February 28, 2017 (the "Prior Ordinance"), providing for a rehabilitation project for the Borough's sanitary sewer system; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the \$120,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$200,000 to an aggregate amount of \$320,000; and

WHEREAS, the Borough has determined that that project description set forth in the Prior Ordinance needs to be amended to expand the scope of improvements to include Phase II of said project.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken in and by the Borough. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$500,000 in addition to the \$2,450,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor and including the sum of \$122,500 as the down payment previously appropriated by the Prior Ordinance. No additional down payment is required or appropriated herein as this bond ordinance authorizes additional improvements intended to be funded through the New Jersey Water Bank.

Section 2. In order to finance the costs of said improvements or purposes, \$500,000 negotiable bonds are hereby authorized to be issued in addition to the \$2,327,500 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$2,827,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily

finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purpose for which the obligations are to be issued consist of the rehabilitation of the Borough's sanitary sewer system, including, but not limited to, the rehabilitation of approximately nine thousand six hundred linear feet (9,600 LF) of various sized sanitary sewer mains and forty-three (43) manholes, the reconstruction of five (5) manholes, and Phase II of said project which includes the rehabilitation of Greenbrook Road and Louis Avenue Pump Stations, together with all work, materials and appurtenances necessary therefor or incidental thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$2,827,500, including the \$500,000 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,950,000, which is equal to the amount of the \$500,000 supplemental appropriation herein made therefor and the \$2,450,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general and Sewer Utility improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed

duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$500,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$320,000, including \$200,000 authorized hereby and \$120,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

INTRODUCED: August 24, 2021

DATE OF PUBLICATION:
OF INTRODUCTION August 27, 2021

ORDINANCE #2041-21

AN ORDINANCE AMENDING CHAPTER 317 ENTITLED “PROPERTY MAINTENANCE” SECTION 317-12 ENTITLED “ADMINISTRATIVE PROCEDURES” TO REVISE THE NOTICE REQUIREMENTS FOR REPEATED VIOLATIONS OF THE SAME OFFENSE CONCERNING THE SAME PROPERTY

WHEREAS, occasionally property owners/occupants violate the provisions of Chapter 317 multiple times for the same offense; and

WHEREAS, the enforcement official issues a notice of violation and time period to cure the violation to said property owners/occupants each time a violation occurs; and

WHEREAS, if the property owner/occupant remediates within the time period provided to cure, a summons will not be issued and fines will not begin to accumulate; and

WHEREAS, the current Chapter 317 only provides for a further enforcement mechanisms (in the form of summons, fines, municipal remedy) when property owner/occupant fails to comply with remediation; and

WHEREAS, it is the desire of the Borough Council of the Borough of Middlesex to amend and revise the Borough’s current ordinance to quell repeat violations for the same offense; and

BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 317, Section 317-12 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey be and is hereby amended as follows:

Section I

Chapter 317, Section 317-12 is hereby amended as follows (**bold and underlined** text is to be added while ~~strikethrough~~ text is to be removed):

§ 317-12 Administrative provisions

D. Enforcement procedure. Whenever an enforcement officer determines that there is or has been a violation of any provision of this article, he shall give notice of such violation to the person, persons or entities responsible therefor under this section. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said persons or entities. Notice shall be given as aforesaid within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted within seven days of the date of service of such notice (exclusive of the date of service), a summons can be issued for such violation. The enforcement officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid seven days if, in his judgment, the abatement, removal, prevention, cessation

or cure of the condition violated cannot reasonably be effected within the seven-day period. In the event the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said seven-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons can be issued against the person, persons, entity or entities so notified. **After three (3) separate notice of violations of the same nature concerning a specific property are served in accordance with this Chapter, then no further notice of violation shall be required hereunder for any subsequent violations of the same nature and property, and the enforcement officer may immediately issue a summons pursuant to this Chapter.**

Section II

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

Section III

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

Section IV

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

INTRODUCED: August 24, 2021

DATE OF PUBLICATION:
OF INTRODUCTION

ORDINANCE #2042-21

AN ORDINANCE AMENDING CHAPTER 332-9 ENTITLED “PROHIBITED WASTES OR WATER” TO PROVIDE FOR GREASE TRAP AND INTERCEPTOR REGULATIONS

WHEREAS, it is in the interests of the Borough of Middlesex and the citizens thereof to maintain the Borough’s sewer system by regulating the discharging of grease and other items that are detrimental to the sewer system; and

WHEREAS, the existing Chapter 332-9(J) regulating grease traps is outdated and must be repealed and replaced in its entirety; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Middlesex desires to amend Chapter 332-9 of the Municipal Code, by repealing and replacing Chapter 332-9(J) entitled “Prohibited Wastes or Water”; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 332-9 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey entitled “Prohibited Wastes or Water” is hereby amended pursuant to the provisions hereof:

Section I

Chapter 332-9(J) is hereby deleted and replaced with the following.

Grease Traps and Interceptors

- A. All food service establishments, including, but not limited to, restaurants, cafeterias, commercial kitchens, and institutional kitchens, shall be required to install a grease trap/interceptor. All other commercial and/or industrial establishments shall be required to install a grease trap/interceptor when, in the reasonable opinion of the Health Officer, Borough Sewer Department or Borough Plumbing Subcode Official, grease traps/interceptors are necessary due to the type of activity/use of the property. The following regulations and requirements shall apply to all external or internal grease traps/interceptors where such grease traps/interceptors are installed or required to be installed.
- B. Grease traps/interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperatures. They shall be watertight and substantially constructed and equipped with readily removable access covers. The design and pertinent data shall be submitted to the Borough Plumbing Subcode Official for review and approval prior to construction or installation. Grease traps/interceptors must be installed entirely on the property of the owner.
- C. Grease traps and interceptors shall be installed in accordance with the Plumbing

Subcode adopted by the Commissioner of Community Affairs as set forth in the New Jersey Uniform Construction Code 5:23, Subchapter 3.15, Plumbing Subcode.

- D. All grease traps/interceptors shall be maintained at the owner's, lessee's, or assignee holder's expense, in continuous, efficient operation at all times.

- E. It is the responsibility of the establishment owner, lessee or assignee to carry out all proceedings necessary to have any and all grease traps/ interceptors opened at time of inspection and to see that the equipment is put back in proper operation after the inspection. All inspections will be conducted by the Health Officer, Borough Sewer Department and/or such employee, official or inspector as may be designated by the Borough Business Administrator.

- F. Forms for periodic inspections will be furnished by the owner, lessee or assignee and posted as close as possible to the interceptor to which it applies. The forms shall be protected from soiling. In those instances where the trap/interceptor is chemically treated, the method and chemical of such treatment shall be approved by the Plumbing Subcode Official and/or their designee. Any proposed chemical changes shall be furnished to the Plumbing Subcode Official and/or their designee. Copies of maintenance and removal records shall be provided to the Health Officer, Borough Sewer Department and the Plumbing Subcode Official, within seven days of such occurrence.

- G. All food service establishments ("facilities") using a grease trap/interceptor shall provide copies of a certification to the Health Officer, a minimum of three certifications per year, not later than April 30, August 31 and December 31, from a service company that the grease trap/interceptor have been properly installed, are properly maintained and are functioning for their intended purposes ("certification"). Seasonal facilities means those facilities that are not operating for a consecutive part of the year. Sporadic facilities means those facilities which are used at irregular intervals. All seasonal facilities and sporadic facilities shall maintain their grease traps in operating condition and shall submit the required certification to the Health Officer and the Borough Sewer Department at least once a year not later than December 31.

- H. All existing food service establishments without grease traps/interceptors shall install grease traps/interceptors and follow the certification schedule as set forth herein. Existing food service establishments shall have 90 days from the effective date of this article to install a grease trap/interceptor.

- I. The Health Officer, Borough Sewer Department and/or Plumbing Subcode Official, shall require all traps/interceptors to be efficient in operation and may, if in their opinion the grease trap/interceptor is operating in a deficient manner, require, at the expense of the owner, lessee or assignee, independent laboratory tests to ascertain the concentration of grease being emitted from the effluent line of the unit. All grease traps/interceptors shall be cleaned in accordance with the foregoing schedule and the Borough provided with a bill or receipt from a

licensed county-registered grease and waste disposal company or qualified recycling company. Disagreeable odors shall require deodorant to combat said offensive odors.

- J. In addition to the Borough's other remedies, should the Borough or its agents incur costs to clean the sewer laterals or sewer lines in the vicinity of the food service establishment due to grease, fats and/or oils, and/or in otherwise responding to a backup caused by such grease, fats and/or oils, whether or not the restaurant, cafeteria, institutional kitchen or other facility has a grease trap/interceptor, the owner and operator of the offending restaurant, cafeteria, institutional kitchen or other facility, irrespective of its compliance or noncompliance with the requirements of the Plumbing Subcode Official or this Section, shall be required to reimburse the Borough and its agents for all such costs.
- K. The Health Officer, Borough Sewer Department and/or Plumbing Subcode Official shall have the right to inspect any food service establishment or other facility to confirm compliance with any requirement of Section 332-9 herein. The fee for initial inspections shall be \$50. The fee for reinspections shall be \$100. The schedule for inspections shall be determined by the Health Officer.
- L. In addition to any other enforcement mechanisms authorized by law or under the Borough Code of the Borough of Middlesex, any person, company or corporation who shall violate any of the provisions of this Section shall, on a first offense, be subject to a thirty-day notice to comply with this article. Any subsequent offense of any of the provisions of this Section shall, upon conviction thereof before the Municipal Court of the Borough, be subject to a fine not exceeding \$500. A separate offense may be deemed committed on each day during or on which a violation occurs or continues.

Section II

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

Section III

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

Section IV

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

INTRODUCED: August 24, 2021

DATE OF PUBLICATION:
OF INTRODUCTION August 27, 2021

ORDINANCE #2039-21

BOND ORDINANCE PROVIDING VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$2,032,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,567,700 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,032,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$385,875 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), and \$78,425 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,567,700, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the following:

i) acquisition of various equipment for the Police Department, including but not limited to, body worn cameras, patrol vehicles and related equipment, tasers with cameras and related equipment, traffic safety equipment, and tactical vest carriers, with a total appropriation and estimated cost of \$257,500, estimated amount of bonds and notes therefor of \$249,200, and an average period of usefulness of five (5) years;

ii) acquisition of alert pagers for the Office of Emergency Management (OEM), with a total appropriation and estimated cost of \$8,000, estimated amount of bonds and notes therefor of \$7,600, and an average period of usefulness of five (5) years;

iii) acquisition of various equipment for the Fire Department, including but not limited to, turnout gear, high rise equipment kits, AC/DC fans, gas detectors, and self-contained breathing apparatus (SCBA), with a total appropriation and estimated cost of

\$87,500, estimated amount of bonds and notes therefor of \$83,250, and an average period of usefulness of five (5) years;

iv) acquisition of a garbage truck, with a total appropriation and estimated cost of \$150,000, estimated amount of bonds and notes therefor of \$142,500, and an average period of usefulness of ten (10) years;

v) acquisition of various vehicles for the Road Department, with a total appropriation and estimated cost of \$62,000, estimated amount of bonds and notes therefor of \$58,900, and an average period of usefulness of five (5) years;

vi) office improvements and the acquisition of a large party tent and storage for the Department of Senior & Disabled Services, with a total appropriation and estimated cost of \$15,000, estimated amount of bonds and notes therefor of \$14,250, and an average period of usefulness of 8.33 years;

vii) acquisition of a movie screen, sound system and storage for the Recreation Department, with a total appropriation and estimated cost of \$5,000, estimated amount of bonds and notes therefor of \$4,750, and an average period of usefulness of five (5) years;

viii) acquisition and installation of a new heating, ventilation, and air conditioning (HVAC) system and office furniture for the Public Library, with a total appropriation and estimated cost of \$235,000, estimated amount of bonds and notes therefor of \$223,250, and an average period of usefulness of 14.57 years;

ix) various capital improvements and acquisitions for the Buildings and Grounds Department, including but no limited to, office furniture, above ground fuel tanks, building maintenance, and HVAC units, with a total appropriation and estimated cost of \$250,000, estimated amount of bonds and notes therefor of \$238,000, and an average period of usefulness of 16.70 years;

x) Landfill Closure Plan, with a total appropriation and estimated cost of \$100,000, estimated amount of bonds and notes therefor of \$95,000, and an average period of usefulness of five (5) years;

xi) Milling and Overlay Program, with a total appropriation and estimated cost of \$503,500 including said \$385,875 grant funds expected to be received from the NJDOT, estimated amount of bonds and notes therefor of \$110,000, and an average period of usefulness of twenty (20) years;

xii) Phase III Americans with Disabilities Act (ADA) Playground at Mountainview Park, with a total appropriation and estimated cost of \$200,000, estimated amount of bonds and notes therefor of \$190,000, and an average period of usefulness of fifteen (15) years; and

xiii) various information technology (IT) improvements and acquisitions, including but not limited to, Barracuda updates, an uninterruptible power supply (UPS) for Borough Hall, servers for the Police Department and Borough Hall, new computers, and phone system maintenance, with a total appropriation and estimated cost of \$158,500, estimated

amount of bonds and notes therefor of \$151,000, and an average period of usefulness of five (5) years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,567,700, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,032,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$2,032,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$78,425 down payment for said purposes, and the sum of \$385,875 grant funds expected to be received from the NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10.89 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the

authorization of the bonds and notes provided in this bond ordinance by \$1,567,700 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$350,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

INTRODUCED: July 27, 2021

DATE OF PUBLICATION:
OF INTRODUCTION July 30, 2021

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

Resolution #225-2021

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports and Requests itemized below:

1. Acceptance of the August, 2021 Board of Fire Officer's Report
2. Acceptance of Connor Matthew Stephen Wise & Yackelvis Vagas as Active Members of the Middlesex Fire Department
3. Acceptance of the Resignation of Catherine McGlashan from the Middlesex Fire Department Co. 2
4. Approval for Truck 18 and Engine to go to Jersey City on September 11, 2021, The Fire Police Vehicle to go to Raritan on September 19, 2021 for Basilone Parade & Fire Chief's Car to go to Wildwood on September 16, 2021 - September 21, 2021 for Fire Convention.
5. Acceptance of the July, 2021 Police Report

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

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

Resolution #226-2021

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE
MUNICIPAL ALLIANCE CONTRACT AGREEMENT BETWEEN THE COUNTY OF
MIDDLESEX AND THE BOROUGH OF MIDDLESEX FOR FY2022**

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Municipal Alliance Contract Agreement between the County of Middlesex and the Borough of Middlesex for FY2022. This Agreement shall be effective for the period of July 1, 2021 through June 30, 2022.

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 August 24, 2021.

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

Resolution #227-2021

ACCEPTING THE RETIREMENT OF LIEUTENANT DAN O'CONNOR EFFECTIVE AUGUST 1, 2021 AND AUTHORIZING THE TREASURER TO PAY THE FULL ALLOWANCE OF \$75,945.50 IN ACCORDANCE WITH THE PBA UNION CONTRACT

The Mayor and Council hereby accept Lt Daniel O'Connor's retirement effective September 1, 2021 and authorize the Treasurer to pay the full allowance of \$75,945.50 in accordance with the PBA Union Contract in the regular Borough payroll of September 10, 2021. The benefits include the following:

16.5 Days Vacation Time	\$ 8,622.90
480 Hours Compensatory Time	\$ 31,353.60
3 Months Terminal Leave	\$ 33,969.00
8 Month Detective Stipend	\$ 2,000.00

TOTAL	\$ 75,945.50
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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 August 24, 2021.

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

Resolution #228-2021

**NOTICE OF INTENT TO DONATE THE REAL PROPERTY REQUIRED FOR
CONSTRUCTION AND MAINTENANCE OF PROJECT IMPROVEMENTS FOR
EASEMENT TRACTS 718E AND 736E TO THE UNITED STATES ARMY CORPS OF
ENGINEERS**

Whereas the Borough of Middlesex has been advised of its right to receive just compensation for Easement Tracts 718E and 736E;

Whereas The above-mentioned Flood Protection Levee Easements are required by the United States Army Corps of Engineers, on behalf of the New Jersey Department of Environmental Protection, to construct a portion of the Green Brook Flood Risk Management Project;

Whereas the Borough of Middlesex has agreed to donate the real property required for construction and maintenance of project improvements;

Whereas the United States Army Corps of Engineers has agreed to reimburse the Borough of Middlesex for incidental expenses up to TWENTY-TWO THOUSAND DOLLARS (\$22,000.00), incurred in pursuit of obtaining curative title measures;

Now therefore, the Borough of Middlesex hereby agrees to donate said easements across said properties to the United States Army Corps of Engineers. The Borough of Middlesex further agrees to grant to the United States of America and the State of New Jersey the right of immediate occupancy and use of the easements needed to construct and maintain the project features, from and after acceptance of this agreement until such time as said easements are conveyed to the State of New Jersey.

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 August 24, 2021.

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

Resolution #229-2021

APPROVAL OF AN AMUSEMENT MACHINE LICENSE FOR ELLERY'S GRILL INC.

The application for an Amusement Machine License filed by Ellery's Grill Inc., which has been approved by the Police Department, be accepted, and the Borough Clerk is hereby authorized to issue the license upon receipt of the fees. This license is valid until May 31, 2022.

Ellery's Grill Inc.	(1) Music Machine	\$350.00
701 Lincoln Blvd.	(2) Amusement Machine	

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 August 24, 2021.

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

Resolution #230-2021

**APPROVING A REIMBURSEMENT OF \$50.00 TO KONA ICE FOR PAYMENT OF
THEIR BOARD OF HEALTH MERCANTILE LICENSE FEE**

At the July 27, 2021 Mayor and Council Meeting Resolution No. 219-2021 was adopted waiving the Board of Health Mercantile License Fee for Kona Ice of Hunterdon County, that served as the ice cream vendor at the Dino Day Event held on July 19, 2021.

Therefore, based upon the approval of this resolution that waived the temporary Board of Health Mercantile License Fee, a reimbursement of \$50.00 that was paid to Middlesex Borough should be issued to Kona Ice, 91 Sky Manor Road, Pittstown, NJ 08867.

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 August 24, 2021.

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

Resolution #231-2021

AUTHORIZING THE TAX COLLECTOR TO WAIVE OR ADJUST SEWER BILLS FOR VARIOUS PROPERTY OWNERS

WHEREAS, As per Ordinance 1889-16, all users which discharge more than 120,000 gallons of domestic sanitary wastewater per annum, shall be charged a service charge for flow, and:

WHEREAS, any dispute as to the billing or charges or to the amount of the bill or calculation thereof, may be appealed, and;

WHEREAS, said appeal shall be in writing and shall include in sufficient detail, the relief sought, the evidence, information or documents to support the relief sought, and;

WHEREAS, as per the appeal process the proper supporting documentation was submitted and reviewed by the Borough Engineer and;

THEREFORE, the following charges on the below properties have been waived or adjusted and/or a refund is due:

Block/Lot: 145 / 11
Original Amount: \$ 461.57
New Amount: 0.00

Block/Lot: 114 / 9
Original Amount: \$ 1007.06
New Amount: 0.00

Block/Lot: 341 / 1.01
Original Amount: \$ 21,220.06
New Amount: 0.00

Block/Lot: 108 / 7
Original Amount: \$ 94.41
New Amount: 0.00

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

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

Resolution #232-2021

APPROVAL FOR THE RESIDENTS OF 437 HIGH STREET TO CONDUCT A BLOCK PARTY ON HIGH STREET BETWEEN FIRST STREET AND NEW STREET ON SEPTEMBER 25, 2021 BETWEEN THE HOURS OF 2 P.M. AND 10 P.M.

WHEREAS, the residents of 437 High Street have requested to have a block party on High Street between First Street and New Street on September 25, 2021 between the hours of 2 p.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 437 High Street to conduct a block party on High Street between First Street and New Street on September 25, 2021 between the hours of 2 p.m. and 10 p.m.
2. This resolution shall take effect immediately.

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 August 24, 2021.

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

Resolution #233-2021

**ACCEPTING THE RETIREMENT OF CAPTAIN FRANK DENICK EFFECTIVE
SEPTEMBER 1, 2021 AND AUTHORIZING THE TREASURER TO PAY THE FULL
ALLOWANCE OF \$85,354.10 IN ACCORDANCE WITH THE PBA UNION
CONTRACT**

The Mayor and Council hereby accept Capt. Frank DeNick's retirement effective September 1, 2021 and authorize the Treasurer to pay the full allowance of \$85,354.10 in accordance with the PBA Union Contract in the regular Borough payroll of September 10, 2021. The benefits include the following:

28.5 Days Vacation Time	\$ 16,234.45
450.75 Hours Compensatory Time	\$ 32,093.40
3 Months Terminal Leave	\$ 37,026.25

TOTAL	\$ 85,354.10
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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 August 24, 2021.

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

Resolution #234-2021

AUTHORIZING THE MAYOR TO EXECUTE AN ESTOPPEL CERTIFICATE BY, AND BETWEEN, THE BOROUGH OF MIDDLESEX AND MIDDLESEX RESIDENTIAL URBAN RENEWAL, LLC, FOR PROPERTY DESIGNATED AS BLOCK 349, LOTS 6.02, 8, 10.01, 10.02 AND 10.03 ON THE OFFICIAL TAX MAPS OF THE BOROUGH

WHEREAS, Middlesex Residential Urban Renewal, LLC (the “Redeveloper”) is the designated redeveloper of properties identified as Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 on the Official Tax Maps of the Borough of Middlesex (the “Property”); and

WHEREAS, the Redeveloper is in the process of redeveloping the Property by constructing an apartment complex on the Property, consisting of approximately 200 residential units and first floor retail (the “Project”), in accordance with the Redevelopment Agreement by, and between the Borough of Middlesex and the Redeveloper dated December 13, 2017, as amended (the “Redevelopment Agreement”); and

WHEREAS, pursuant to Section 11.4 of the Redevelopment Agreement entitled “Estoppel Certificate”, following written request therefor, the Borough shall issue a signed estoppel certificate either stating that the Redevelopment Agreement is in full force and effect and that there is no default or breach under said Redevelopment Agreement (nor any event which, with the passage of time and the giving notice would result in a default or breach under the Redevelopment Agreement), or stating the nature of the default or breach or event, if any; and

WHEREAS, the Redeveloper has requested, in writing, that the Mayor execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, in connection with financing for the Project to be procured by the Redeveloper as borrower from a certain lender named therein; and

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

1. The Mayor is hereby authorized to execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Estoppel Certificate to the Borough and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to counsel for the Redeveloper. The Borough Clerk shall retain at least one (1) fully executed copy of the Estoppel Certificate on file in her office.

3. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

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 August 24, 2021.

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

Resolution #235-2021

**APPROVING THE PLACE-TO-PLACE TRANSFER FOR THE EXTENSION OF
PREMISES FOR ELLERY'S GRILL INC. (LICENSE 1211-32-004-002) EFFECTIVE
AUGUST 24, 2021**

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License with Broad C No. 1211-32-004-002, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Middlesex does hereby approve, effective August 24, 2021, the expansion of the aforesaid Plenary Retail Consumption License with Broad C Licensed premises located at 701-707 Lincoln Boulevard to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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 August 24, 2021.

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

Resolution #236-2021

ACCEPTING THE RESIGNATION OF TOM REILLY, MIDDLESEX BOROUGH TAX ASSESSOR EFFECTIVE OCTOBER 15, 2021

The Governing Body hereby accepts the resignation of Tom Reilly, Middlesex Borough Assessor, effective October 15, 2021.

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 August 24, 2021.

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

Resolution #237-2021

**REIMBURSEMENT OF DOG LICENSE FEE IN THE AMOUNT OF \$13.00 TO
MEAGAN VINCENT, 15 MADISON AVENUE, EAST BRUNSWICK, NEW JERSEY**

The Governing Body hereby approves the reimbursement fee for Dog License to Ms. Meagan Vincent, 15 Madison Avenue, East Brunswick, New Jersey in the amount of \$13.00.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on August 24, 2021.

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

Resolution #238-2021

TERMINATING THE CONTRACT FOR THE JANITORIAL/CLEANING SERVICES OF THE RECREATION/SENIOR BUILDING WITH BUILDINGSTARS OPERATIONS, INC. EFFECTIVE SEPTEMBER 11, 2021 AND AWARDING THE BID TO THE NEXT LOWEST BIDDER, BK & J SPOTLESS, LLC, FOR A CONTRACT EFFECTIVE AUGUST 16, 2021 THROUGH MAY 31, 2022, PENDING A SATISFACTORY BACKGROUND CHECK

WHEREAS, request for quotes were received May 14, 2021, for Janitorial/Cleaning Services for the Recreation/Senior Building pursuant to Local Public Contracts Law, N.J.S.A. 18A:18A-1, et seq.;

WHEREAS, there were four (4) quotes received, quotes listed below:

- 1) BK & J Spotless, LLC - \$1,150 monthly
- 2) Buildingstars Operations, Inc. - \$25.00 per hour / \$1,085 monthly
- 3) Maintenance Mart - \$27.47 per hour
- 4) Affordable Building Services - \$28.75 per hour

WHEREAS, the Borough Council awarded the contract to Buildingstars Operations, Inc., pursuant to Resolution #198-2021, pending a satisfactory background check;

WHEREAS, the contract with Buildingstars was set to begin on August 1, 2021;

WHEREAS, Buildingstars defaulted on the contract and failed to perform any cleaning services for the Borough to date;

WHEREAS, pursuant to this default, the Borough Council desires to terminate the contract and obtain these services from the next lowest responsible bidder;

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

1. The contract between the Borough of Middlesex and Buildingstars Operations, Inc. shall be terminated, effective September 11, 2021.
2. Based upon the recommendation of the Purchasing Agent and the Public Works Department, the governing body hereby awards the bid for Janitorial/Cleaning Services for five (5) days per week to BK & J Spotless, LLC for a contract beginning August 16, 2021, and ending May 31, 2022, pending a satisfactory background check.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount not to exceed \$10,350.00 are available in Account No. 0-01-26-310-000-105.

Caroline Benson, Treasurer

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 August 24, 2021.

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

Resolution #239-2021

**APPROVING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION JURISDICTIONAL AGREEMENT
#4909 FOR THE ROUTE 28 STREETScape**

The Governing Body hereby approves the Mayor and Borough Clerk to execute the New Jersey Department of Transportation Jurisdictional Agreement #4909 for the Route 28 Streetscape.

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 August 24, 2021.

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

Resolution #240-2021

APPROVAL TO ADVANCE PATROLMAN ANTHONY PAINCHAUD TO PATROLMAN CLASS "B" AT AN ANNUAL SALARY OF \$ \$104,678 EFFECTIVE JULY 20, 2021

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

WHEREAS, On June 16, 2021 Chief Geist recommended Police Officer Anthony Painchaud 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 Anthony Painchaud be and is hereby advanced in grade to Patrolman Class "B" effective July 20, 2021 at an annual salary of \$104,678.

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 August 24, 2021.

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

Resolution #241-2021

APPROVAL TO ADVANCE PATROLMAN COLIN DEVINCENZO TO PATROLMAN CLASS "B" AT AN ANNUAL SALARY OF \$ \$104,678 EFFECTIVE AUGUST 17, 2021

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

WHEREAS, On August 16, 2021 Chief Geist recommended Police Officer Colin DeVincenzo 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 Colin DeVincenzo be and is hereby advanced in grade to Patrolman Class "B" effective August 17, 2021 at an annual salary of \$104,678.

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 August 24, 2021.

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

Resolution #242-2021

APPROVAL TO ADVANCE PATROLMAN PAUL CERRETO TO PATROLMAN CLASS "C" AT AN ANNUAL SALARY OF \$94,994 EFFECTIVE AUGUST 9, 2021

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

WHEREAS, On August 16, 2021 Chief Geist recommended Police Officer Paul Cerreto 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 Paul Cerreto be and is hereby advanced in grade to Patrolman Class "C" effective August 9, 2021 at an annual salary of \$94,994.

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 August 24, 2021.

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

Resolution #243-2021

APPROVAL TO ADVANCE PATROLMAN ROBERT DANGLER TO PATROLMAN CLASS "C" AT AN ANNUAL SALARY OF \$94,994 EFFECTIVE AUGUST 9, 2021

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

WHEREAS, On August 16, 2021 Chief Geist recommended Police Officer Robert Dangler 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 Robert Dangler be and is hereby advanced in grade to Patrolman Class "C" effective August 9, 2021 at an annual salary of \$94,994.

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 August 24, 2021.

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

Resolution #244-2021

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST APPOINTING POLICE
OFFICER MARK MELCHIORRE AS A TEMPORARY ACTING SERGEANT
EFFECTIVE SEPTEMBER 1, 2021 FOR A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves appointing Police Officer Mark Melchiorre as a Temporary Acting Sergeant at the annual salary for a Police Sergeant of \$124,657 effective September 1, 2021 for a period not to exceed 6 months.

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 August 24, 2021.

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

Resolution #245-2021

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST APPOINTING POLICE
OFFICER RYAN SKOW AS A TEMPORARY ACTING SERGEANT EFFECTIVE
SEPTEMBER 1, 2021 FOR A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves appointing Police Officer Ryan Skow as a Temporary Acting Sergeant at the annual salary for a Police Sergeant of \$124,657 effective September 1, 2021 for a period not to exceed 6 months.

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 August 24, 2021.

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

Resolution #246-2021

AT THE RECOMMENDATION OF POLICE CHIEF GEIST APPOINTING POLICE OFFICER SEAN FLANAGAN AS A TEMPORARY ACTING SERGEANT EFFECTIVE SEPTEMBER 1, 2021 FOR A PERIOD NOT TO EXCEED 6 MONTHS

At the recommendation of Police Chief Geist, the Governing Body hereby approves appointing Police Officer Sean Flanagan as a Temporary Acting Sergeant at the annual salary for a Police Sergeant of \$124,657 effective September 1, 2021 for a period not to exceed 6 months.

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 August 24, 2021.

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

Resolution #247-2021

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST APPOINTING SERGEANT
CHAD CORNER AS A TEMPORARY ACTING LIEUTENANT EFFECTIVE
SEPTEMBER 1, 2021 FOR A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves appointing Sergeant Chad Corner as a Temporary Acting Lieutenant at the annual salary for a Police Lieutenant of \$135,876 effective September 1, 2021 for a period not to exceed 6 months.

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 August 24, 2021.

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

Resolution #248-2021

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST APPOINTING SERGEANT
THOMAS CARROLL AS A TEMPORARY ACTING LIEUTENANT EFFECTIVE
SEPTEMBER 1, 2021 FOR A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves appointing Sergeant Thomas Carroll as a Temporary Acting Lieutenant at the annual salary for a Police Lieutenant of \$135,876 effective September 1, 2021 for a period not to exceed 6 months.

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 August 24, 2021.

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

Resolution #249-2021

**AUTHORIZING THE REIMBURSEMENT OF \$25.00 FOR THE 2021-2022 BOARD OF
HEALTH MERCANTILE LICENSE TO MICHELLE RUBIS-FLORES, 500 VOLVO
PKWY, CHESAPEAKE, VA,**

The Governing Body hereby approves the reimbursement of \$25.00 for the 2021-2022 Board of Health Mercantile License to Michelle Rubis-Flores, 500 Volvo Pkwy, Chesapeake, VA, 23320 as she was inadvertently charged an incorrect fee for said 2021-2022 Board of Health Mercantile License.

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 August 24, 2021.

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

Resolution #250-2021

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 August 24, 2021.

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

Resolution #251-2021

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. Contract Negotiations - PBA
2. Contract Negotiations - 242 Lincoln Boulevard - The View PILOT Agreement

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 August 24, 2021.