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, September 14, 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. Accepting the Resignation of Dan Gitler from the Shade Tree Commission
2. Appointment of Frank Ryan to the Shade Tree Commission

VI. PROCLAMATIONS

1. CHARCOT-MARIE-TOOTH AWARENESS MONTH - SEPTEMBER, 2021
2. RECOGNIZING THE DEDICATION AND SERVICE OF THE BOROUGH'S DEPARTMENT OF PUBLIC WORKS
3. RECOGNIZING THE DEDICATION AND COMMITMENT OF THE BOROUGH'S EMERGENCY SERVICES

VII. ORDINANCE(S) FOR INTRODUCTION

1. **Ordinance 2043-21** AMENDING CHAPTER 4 ENTITLED "BACKGROUND CHECKS, CRIMINAL HISTORY RECORD" TO ADD AN ARTICLE II TO BE ENTITLED "LICENSING, VENDORS AND PROCUREMENT OF SERVICES" TO AUTHORIZE CRIMINAL HISTORY RECORD CHECKS ON THE AGENTS OF SUCH SERVICES.

2. **Ordinance 2044-21** AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 32, ENVIRONMENTAL COMMISSION, SECTION 32-1 ESTABLISHMENT; COMPOSITION AND SECTION 32-7(B) POWERS

3. **Ordinance 2045-21** AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING AN AMENDMENT OF THE FINANCIAL AGREEMENT WITH MIDDLESEX RESIDENTIAL URBAN RENEWAL, LLC IN CONNECTION WITH THE REDEVELOPMENT OF BLOCK 349, LOTS 6.02, 8, 10.01, 10.02 AND 10.03

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

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

IX. ADOPTION OF MINUTES

1. Approval of the August 24, 2021 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

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

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 252-2021** The Tax Collector is Hereby Authorized to Cancel 3rd & 4th Qtr 2021 & 1st & 2nd Qtr 2022 Taxes on Block 277 Lot 12 as These Properties were Purchased by the Army Corps of Engineers

2. **Resolution 253-2021** Approval of a Refund of $300.00 to Frederick Jordan of Pork Chops BBQ for a Duplicate Board of Health Mercantile License

3. **Resolution 254-2021** Authorizing the Tax Collector to Waive or Adjust Sewer Charges Based Upon Review of the Borough Engineer for Various Properties

4. **Resolution 255-2021** Authorizing the Refund of Duplicate Payment on 3rd Qtr. 2021 Taxes in the Amount of $1,955.02 to Legal Option Title Agency, Inc.

5. **Resolution 256-2021** Awarding the Bid for 2020 Road Program (Harris, Sherman, Chestnut and Hazelwood) to Reivax Contracting as the Lowest Responsible Bidder in the Amount of $475,977.80

6. **Resolution 257-2021** Authorizing the Mayor and Borough Clerk to Execute the Yard Waste Recycling and Marketing Services Agreement Between the MCIA and Middlesex Borough Effective September 1, 2021 - August 31, 2024

7. **Resolution 258-2021** Acknowledging the Change in Status for Certain Properties Under the Veteran Tax Deductions for Block 34 Lot 22

8. **Resolution 259-2021** The Governing Body Approves the Reimbursement of $25.00 to Mohammed Khalid for Overpayment of a 2021-2022 Board of Health Mercantile License

9. **Resolution 260-2021** Authorizing the Release of the Reivax Performance Bond #2255488 issued by North American Specialty Insurance Company in the amount of $1,403,277.00

10. **Resolution 261-2021** The Governing Body Approves the Reimbursement of $150.00 to Dolgen Group (Dollar General Store #15513) for Duplicate Payment of a 2021-2022 Board of Health Mercantile License

11. **Resolution 262-2021** At the Recommendation of Chief Geist, the Governing Body Approves Carol Ann Vacca, Middlesex, NJ as a Floating School Crossing Guard at $14.75 Per Hour Effective Immediately

12. **Resolution 263-2021** Approving the Middlesex Municipal Landfill Document Review and Scope-of-Work Preparation Revised July 12, 2021 from Najarian Associates in the Amount of $90,200 for the Remediation and Redevelopment of the Landfill Remediation

13. **Resolution 264-2021** Approving the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle October 2020-June 2025

14. **Resolution 265-2021** Authorizing the Tax Collector to Waive and Adjust Sewer Bills for Various Properties

15. **Resolution 266-2021** At the Recommendation of Police Chief Geist Appointing Lieutenant Craig Comiskey as a Temporary Acting Captain Effective September 15, 2021 for a Period not to Exceed 6 Months

16. **Resolution 267-2021** Reimbursement of Dog License Fee in the Amount of $10.00 to Ricardo Zamora, 210 Walnut Street, Middlesex

17. **Resolution 268-2021** Waiving Construction Code Fees for Permits Issued Between September 1, 2021 - December 31, 2021 for All Hurricane Ida Related Repairs

18. **Resolution 269-2021** Approval of the Mayor to Execute the Settlement Agreement for Payment of $6,500 to Rotimi Owoh, Esq. for the Legal Fees for GRC Complaint No. 2018-70

19. **Resolution 270-2021** Approving the Services of Acclaim Inventory LLC to Perform an Annual Asset Inventory Audit in an Amount Not to Exceed $3,300

20. **Resolution 271-2021** Authorizing the Borough of Middlesex to Enter into a Shared Service Agreement with the Middlesex American Legion for Mutual Usage of Public Space in Each Facility for Nominal Consideration

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 272-2021** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

XVIII. EXECUTIVE SESSION

1. **Resolution 273-2021** Executive Session

   a. Contract Negotiations - Somerset County Police Dispatch

   b. Potential Litigation - USERRE1994

   c. Public Safety

   d. PBA Negotiations

   e. Potential Litigation - DEP

XIX. ADJOURNMENT

1. The next Regular Meeting will be September 28, 2021

PROCLAMATION

CHARCOT-MARIE-TOOTH AWARENESS MONTH - SEPTEMBER, 2021

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, I, John L. Madden, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, County of Middlesex, State of New Jersey, do hereby join with the Charcot-Marie-Tooth Association and municipalities across the United States in proclaiming the month of September 2021 to be

CHARCOT-MARIE-TOOTH AWARENESS MONTH

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

DATED: September 14, 2021

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Linda Chismar, RMC

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Mayor John L. Madden

PROCLAMATION

RECOGNIZING THE DEDICATION AND SERVICE OF THE BOROUGH'S DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works is an integral part of the operation and spirit of the Borough of Middlesex; and

WHEREAS, each Hurricane season brings the potential for flooding and flash flooding; and on the evening of September 1, 2021 the Borough of Middlesex was hit by Hurricane Ida; and

WHEREAS, the diligent members of the Sewer Department provided 48-hour surveillance on the Borough's sewer pumps due to Middlesex County abandoning the River Road Pumping Station because of the severe effects of the storm; and

WHEREAS, as an effect of the severe flooding, Department of Public Works Employees were dispatched throughout the Borough to provided barricades to numerous road closures, as well as actively assisted the Police Department with traffic control; and

WHEREAS, in the devastating aftermath of the storm, the Road Department meticulously removed trees blocking roads and cleared all the debris throughout the Borough; and every member of the Public Works Department was actively involved in the cleanup of the vast quantity of bulk items from flood prone homes; and

WHEREAS, the hard work and dedication of all of the Department of Public Works employees is appreciated as they continue to restore the borough back to normal.

NOW, THEREFORE, I, John L. Madden, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to recognize the Employees of the Department of Public Works for their service to our Borough and to the citizens of Middlesex Borough and hereby set my hand and the seal of the Borough of Middlesex to be affixed on this 14th day of September, 2021.

DATED: September 14, 2021

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Linda Chismar, RMC

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Mayor John L. Madden

PROCLAMATION

RECOGNIZING THE DEDICATION AND COMMITMENT OF THE BOROUGH'S EMERGENCY SERVICES

WHEREAS, every day, residents of Middlesex Borough directly benefit from the dedication and commitment of the Borough's Emergency Services, however never more so than recently; and

WHEREAS, on Wednesday, September 1, 2021 remnants of Hurricane Ida arrived in Middlesex Borough bringing massive amounts of rainfall into the Borough; and

WHEREAS, as a result of the storm, Governor Murphy declared a State of Emergency across all 21 counties through Executive Order No. 259, allowing resources to be deployed throughout the state during the duration of the storm and it was estimated 8-9" of rain fell in our area causing significant property damage and loss of life; and

WHEREAS, due to the vast amount of rain, many residents and businesses in Middlesex Borough were affected by flash flooding and dangerous flood waters that closed many roadways resulting in numerous evacuations, water rescue efforts, medical calls, service calls and the establishment of emergency shelter centers throughout the duration of the storm; and

WHEREAS, members of the Middlesex Borough Office of Emergency Management, Middlesex Fire Department, Middlesex Rescue Squad, and Middlesex Police Department coordinated throughout the storm to protect life, property and support the Middlesex community; and

WHEREAS, these volunteers and employees continue to support the Borough of Middlesex with the major task of security, clean up, support and infrastructure repairs that are expected to continue for months.

NOW, THEREFORE, I, John L. Madden, Mayor of Middlesex Borough, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to recognize the members of all the Borough's Emergency Services for their service to our Borough and to the citizens of Middlesex Borough and hereby set my hand and the seal of the Borough of Middlesex to be affixed on this 14th day of September, 2021.

DATED: September 14, 2021

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Linda Chismar, RMC

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Mayor John L. Madden

ORDINANCE #2043-21

AMENDING CHAPTER 4 ENTITLED "BACKGROUND CHECKS, CRIMINAL HISTORY RECORD" TO ADD AN ARTICLE II TO BE ENTITLED "LICENSING, VENDORS AND PROCUREMENT OF SERVICES" TO AUTHORIZE CRIMINAL HISTORY RECORD CHECKS ON THE AGENTS OF SUCH SERVICES.

WHEREAS, N.J.S.A. 40:48-1.4 authorizes municipalities to enact an ordinance permitting a municipal official or officer to request a criminal history background check of any person for an official governmental purpose; and

WHEREAS, the Borough of Middlesex adopted Ordinance No. 2004-1620 to require background checks of employees and volunteers of programs for minors, codified in the Borough Code at Chapter 4, Article I; and

WHEREAS, it is the intention of the Borough of Middlesex to similarly regulate the background check requirement for contracted vendors that perform services for the Borough, those seeking to obtain a license from the Borough for any authorized purpose, and for any other procurement services with the Borough; 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 4 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 4, Article II is hereby established and added to the Ordinances of the Borough of Middlesex and shall read as follows:

Article II Licensing, Vendors and Procurement of Services

§ 4-7 Official authorized to request background check. <https://ecode360.com/8205976>

The Borough Administrator, Township Clerk, and Chief of Police, or designated municipal official thereof, are hereby authorized in accordance with N.J.S.A. 40:48-1.4 to request a criminal history record background check of any person for an official governmental purpose, including, but not limited to, licensing, vendors and the procurement of services.

§ 4-8 Submission of fingerprints; fees. <https://ecode360.com/8205976>

A. When requested by the authorized designated municipal official, any person seeking a license or the right to perform services for the Borough of Middlesex shall submit to being fingerprinted in accordance with applicable state, and federal laws, rules and regulations.

B. The Borough of Middlesex shall transmit the fees for the criminal history record background check to the State Bureau of Identification.

§ 4-9 Authorization to exchange fingerprint data and criminal information with state and federal authorities. <https://ecode360.com/8205976>

A. The authorized municipal official or officer is authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.

B. In order to obtain the criminal history record information, the designated municipal official shall submit the required fee, fingerprint data and request to State Bureau of Identification. The State Bureau of Identification shall receive all criminal history record information from the Federal Bureau of Investigation and shall disseminate that information to the designated municipal official.

C. The requesting official shall follow any rules or regulations which might be promulgated by the Attorney General of the State of New Jersey pursuant to N.J.S.A. 52:14B-1 et seq.

§ 4-10 Conditions under which a person is disqualified from service. <https://ecode360.com/10332660>

A person may be disqualified from obtaining a license, vendor or procurement of services contract if that person's criminal history record background check reveals a record of conviction of any of the crimes or offenses identified in Section 4-3 herein or if the person refuses in any way to submit to a background check in accordance with 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 September 14, 2021.

INTRODUCED: September 14, 2021

DATE OF PUBLICATION:
OF INTRODUCTION September 17, 2021

ORDINANCE #2044-21

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 32, ENVIRONMENTAL COMMISSION, SECTION 32-1 ESTABLISHMENT; COMPOSITION AND SECTION 32-7(B) POWERS

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

Section 32-1 shall be amended to read as follows:

§ 32-1 Establishment; composition <http://ecode360.com/10336906>

There is hereby established, pursuant to N.J.S.A. 40:56A-1, in the Borough of Middlesex an Environmental Commission of seven members, all of whom shall be residents of the Borough, and one of whom shall also be a member of the Joint Land Use Board. The Mayor shall appoint all members of the Commission. Where there is a vacancy in the office of Mayor, the power of appointment hereby accorded to the Mayor shall be vested in the duly designated acting Mayor. All members of the Commission shall serve without compensation.

Section 32-7(B) shall be amended to read as follows:
B. The Commission shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Joint Land Use Board plans and programs for inclusion in a municipal Master Plan and the development and use of such areas.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 14, 2021.

INTRODUCED: September 14, 2021

DATE OF PUBLICATION:
OF INTRODUCTION

ORDINANCE #2045-21

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING AN AMENDMENT OF THE FINANCIAL AGREEMENT WITH MIDDLESEX RESIDENTIAL URBAN RENEWAL, LLC IN CONNECTION WITH THE REDEVELOPMENT OF BLOCK 349, LOTS 6.02, 8, 10.01, 10.02 AND 10.03

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.*, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "**Borough**") and Middlesex Residential Urban Renewal, LLC (the "**Redeveloper**") executed a Redevelopment Agreement dated December 13, 2017 related to the redevelopment of Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 in the Borough and commonly known as 220-232 Lincoln Boulevard (the "**Property**"); and

WHEREAS, pursuant to the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* and Ordinance No. 1932-17, the Borough authorized the execution of a Financial Agreement with the Redeveloper; and

WHEREAS, the Borough and the Redeveloper executed a Financial Agreement dated December 15, 2017 (the "**Financial Agreement**") which set forth the terms and conditions under which the Redeveloper and the Borough shall carry out their respective obligations with respect to payment of an "annual service charge" in lieu of real property taxes by the Redeveloper related to a mixed use apartment complex on the Property; and

WHEREAS, certain interpretive clarifications to the Financial Agreement were requested by the Redeveloper, and in order to implement such clarifications the Borough and the Redeveloper have agreed to amend the Financial Agreement to effectuate the same and to execute an amendment to the Financial Agreement (the "**Amendment**") substantially in the form of which is attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex as follows:

Section 1. The Amendment to the Financial Agreement is hereby approved.

Section 2. The Mayor is hereby authorized and directed to execute the Amendment to the Financial Agreement with the Redeveloper in substantially the same form attached hereto as Exhibit A, subject to modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 3. The Clerk of the Borough is hereby authorized and directed, upon the execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough thereon.

Section 4. Executed copies of the Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough, and County

Counsel and the Chief Financial Officer of Middlesex County within 10 days of the execution of the Financial Agreement.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with 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 September 14, 2021.

INTRODUCED: September 14, 2021

DATE OF PUBLICATION:
OF INTRODUCTION

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 will 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 September 14, 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 September 14, 2021.

INTRODUCED: August 24, 2021

DATE OF PUBLICATION:
OF INTRODUCTION August 27, 2021

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 September 14, 2021.

INTRODUCED: August 24, 2021

DATE OF PUBLICATION:
OF INTRODUCTION August 27, 2021

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

Resolution #252-2021

THE TAX COLLECTOR IS HEREBY AUTHORIZED TO CANCEL 3RD & 4TH QTR 2021 & 1ST & 2ND QTR 2022 TAXES ON BLOCK 277 LOT 12 AS THESE PROPERTIES WERE PURCHASED BY THE ARMY CORPS OF ENGINEERS

WHEREAS, the Army Corps of Engineers is purchasing properties in the Borough of Middlesex due to the flood control project; and

WHEREAS, the Army Corps is exempt from paying property taxes, and,

WHEREAS, the purchase of Block 277 Lot 12 was made on 5/13/2021; and,

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel 3rd & 4th Qtr 2021 & 1st & 2nd Qtr 2022 taxes on Block 277 Lot 12 in the following amounts;

2021 3 $3,067.68
2021 4 $3,067.68
2022 1 $3,000.14
2022 2 $3,000.14

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 September 14, 2021.

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

Resolution #253-2021

APPROVAL OF A REFUND OF $300.00 TO FREDERICK JORDAN OF PORK CHOPS BBQ FOR A DUPLICATE BOARD OF HEALTH MERCANTILE LICENSE

The Governing Body hereby approves the reimbursement of $300.00 for the 2021-2022 Board of Health Mercantile License to Frederick Jordan, Pork Chops BBQ, 840 Pennsylvania Ave, Trenton, NJ 08638 as a duplicated payment was received 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 September 14, 2021.

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

Resolution #254-2021

AUTHORIZING THE TAX COLLECTOR TO WAIVE OR ADJUST SEWER CHARGES BASED UPON REVIEW OF THE BOROUGH ENGINEER FOR VARIOUS PROPERTIES

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:	86.04 / 15
Original Amount:	$ 472.05
New Amount:	0.00
Block/Lot:	109 / 8
Original Amount:	$ 933.64
New Amount:	0.00
Block/Lot:	290 / 1
Original Amount:	$39,435.28
New Amount:	$27,604.70
Block/Lot:	44 / 17
Original Amount:	$ 786.76
New Amount:	0.00
Block/Lot:	111/ 9
Original Amount:	$ 1,132.94
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 September 14, 2021.

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

Resolution #255-2021

AUTHORIZING THE REFUND OF DUPLICATE PAYMENT ON 3RD QTR. 2021 TAXES IN THE AMOUNT OF $1,955.02 TO LEGAL OPTION TITLE AGENCY, INC.

WHEREAS, payment was made by Legal Option Title Agency, Inc. for Block 174 Lot 25 for 3rd Qtr. 2021 in the amount of $1,955.02 and posted on 8/12/2021; and

WHEREAS, an additional payment was sent in via WIRE for Block 174 Lot 25 for 3rd Qtr. 2021 in the amount of $2,003.23 and posted on 8/18/2021; and

WHEREAS, Legal Option Title Agency, Inc. has requested a refund for the error in the double payment; and

WHEREAS, Legal Option Title Agency, Inc.is entitled to a refund as there is an overpayment of $1,955.02 for 3rd Qtr. taxes on the account; and

NOW THEREFORE, a check in the amount of $1,955.02 should be made payable to:

Legal Option Title Agency, Inc.
300 Maple Avenue
South Plainfield, NJ 07080

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 September 14, 2021.

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

Resolution #256-2021

AWARDING THE BID FOR 2020 ROAD PROGRAM (HARRIS, SHERMAN, CHESTNUT AND HAZELWOOD) TO REIVAX CONTRACTING AS THE LOWEST RESPONSIBLE BIDDER IN THE AMOUNT OF $475,977.80

WHEREAS, the Borough of Middlesex Administration and Borough Engineer have determined that there is a need for the acquisition of the following goods and services: 2020 Road Program (Harris, Sherman, Chestnut and Hazelwood); and

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for the 2020 Road Program (Harris, Sherman, Chestnut and Hazelwood) were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, eleven (11) sealed bids were received on July 1, 2021 and opened publicly and read out loud at 1200 Mountain Avenue, Middlesex, NJ, for the 2020 Road Program (Harris, Sherman, Chestnut and Hazelwood); and

WHEREAS, listed below are bids received for said project:

1) Reivax Contracting Corp — Base Bid: $475,977.80
   Bridgewater, NJ

2) Top Line Construction Crop — Base Bid: $477,661.89
   Somerville, NJ

3) Stilo Excavation, Inc — Base Bid: $500,047.81
   S. Plainfield, NJ

4) AJM Contractors, Inc. — Base Bid: $506,698.25
   Clifton, NJ

5) MECO, Inc. — Base Bid: $533,413.80
   Clarksburg, NJ

6) DeSantis Construction, Inc. — Base Bid: $542,383.37
   Somerset, NJ

7) Black Rock Enterprise LLC — Base Bid: $550.000.00
   Old Bridge, NJ

8) CCM Contracting — Base Bid: $552,244.90
   Green Brook, NJ

9) Crossroads Paving Base Bid: $554,063.30
Newark, NJ

10) Capital Paving & Contracting Base Bid: $593,602.36
Lebanon, NJ

11) Lima Charlie Construction Base Bid: $594,594.00
Freehold, NJ

WHEREAS, the Borough Engineer, Colliers Engineering & Design, recommends awarding the bid to Reivax Contracting, the lowest responsible bidder, in the total bid amount of $475,977.80, contingent upon the Borough Attorney's review and availability of funds for this project; and

WHEREAS, the Borough Attorney has reviewed the bid proposal package of the lowest responsible bidder, declares it to be in conformance with the Borough Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to Reivax Contracting, as the lowest responsible bidder; and

WHEREAS, funds are available to make such purchase or acquisition and have been certified as such by the local finance officer.

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

1. At the recommendation of the Borough Engineer and Borough Attorney, the Mayor and governing body hereby awards the contract for the 2020 Road Program (Harris, Sherman, Chestnut and Hazelwood) to Reivax Contracting as the lowest responsible bidder in the amount of $475,977.80.

2. The Mayor and Borough Clerk are hereby authorized to execute the Borough standard form of Contract for Goods and Services referenced herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.

3. The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Borough Engineer, Borough Attorney, and Reivax Contracting.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the amount of $475,977.80 in account number C-04-20-002-000-086.

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 September 14, 2021.

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

Resolution #257-2021

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE YARD WASTE RECYCLING AND MARKETING SERVICES AGREEMENT BETWEEN THE MCIA AND MIDDLESEX BOROUGH EFFECTIVE SEPTEMBER 1, 2021 - AUGUST 31, 2024

The Governing Body authorizes the Mayor and Borough Clerk to execute the Agreement for the Provision of Yard Waste Recycling and Marketing Services between the Middlesex County Improvement Authority and the Borough of Middlesex for a term commencing on September 1, 2021 and shall end on August 31, 2024. Middlesex County Improvement Authority's has the option of extending the term of this Agreement for a period of two (2) one (1) year terms through August 31, 2026, providing the Borough receives notice within sixty (60) days of the termination date.

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 September 14, 2021.

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

Resolution #258-2021

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE VETERAN TAX DEDUCTIONS FOR BLOCK 34 LOT 22

WHEREAS, per (N.J.S.A. 54:4-8.10 et seq.as amended by P.L. 2019 c.413; N.J.A.C. 18:27-1.1 et seq.), certain Veterans were the owners of property in the Borough of Middlesex on or before October 1, 2020, and

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

WHEREAS, the Tax Assessor has allowed the following Veteran deduction(s) for the 2021 tax year totaling $250.00

Name: Sabecky, Frank D.
Block/Lot: 34/ 22
Amount: $250.00

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 14, 2021.

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

Resolution #259-2021

THE GOVERNING BODY APPROVES THE REIMBURSEMENT OF $25.00 TO MOHAMMED KHALID FOR OVERPAYMENT OF A 2021-2022 BOARD OF HEALTH MERCANTILE LICENSE

The Governing Body hereby approves the reimbursement of $25.00 for the 2021-2022 Board of Health Mercantile License to Mohammed Khalid (Ask Mart LLC) for over payment of 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 September 14, 2021.

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

Resolution #260-2021

AUTHORIZING THE RELEASE OF THE REIVAX PERFORMANCE BOND #2255488 ISSUED BY NORTH AMERICAN SPECIALTY INSURANCE COMPANY IN THE AMOUNT OF $1,403,277.00

WHEREAS, final payment was submitted by Reivax Contracting Corp.for the Mountain View Park Phase 1-A Improvements; and

WHEREAS, Remington & Vernick Engineers and the Borough Attorney's office have reviewed all documents and recommend the release of the Performance Bond, and accept the Project and approve the Change Order Number 1; and

WHEREAS, Reivax Contracting Corp. has submitted two (2) year Maintenance Guarantee No. 2255488M, issued by North American Specialty Insurance Company and is requesting the release of all performance guarantees due to the completion of the Mountain View Park Phase 1-A.

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 #2255488 issued by North American Specialty Insurance Company in the amount of $1,403,277.00 hereby released.

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 September 14, 2021.

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

Resolution #261-2021

THE GOVERNING BODY APPROVES THE REIMBURSEMENT OF $150.00 TO DOLGEN GROUP (DOLLAR GENERAL STORE #15513) FOR DUPLICATE PAYMENT OF A 2021-2022 BOARD OF HEALTH MERCANTILE LICENSE

The Governing Body hereby approves the reimbursement of $150.00 for the 2021-2022 Board of Health Mercantile License to Dolgen Group (Dollar General Store #15513), 100 Mission Ridge, Goodlettsivlle, TN, 37072 as a duplicated payment was received 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 September 14, 2021.

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

Resolution #262-2021

AT THE RECOMMENDATION OF CHIEF GEIST, THE GOVERNING BODY APPROVES CAROL ANN VACCA, MIDDLESEX, NJ AS A FLOATING SCHOOL CROSSING GUARD AT $14.75 PER HOUR EFFECTIVE IMMEDIATELY

At the recommendation of Chief Geist, the Governing Body hereby approves hiring Carol Ann Vacca, 8 Hickory Court, Middlesex, NJ as a floating School Crossing Guard at $14.75 per hour effective immediately. Ms. Vacca has completed her Police Department background investigation.

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 September 14, 2021.

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

Resolution #263-2021

APPROVING THE MIDDLESEX MUNICIPAL LANDFILL DOCUMENT REVIEW AND SCOPE-OF-WORK PREPARATION REVISED JULY 12, 2021 FROM NAJARIAN ASSOCIATES IN THE AMOUNT OF $90,200 FOR THE REMEDIATION AND REDEVELOPMENT OF THE LANDFILL REMEDIATION

The Governing Body hereby approve the Middlesex Municipal Landfill Document Review and Scope-of-Work Preparation, revised July 12, 2021 from Najarian Associates in the amount of $90,200 to continue with the successful remediation and redevelopment of the Landfill Property.

The CFO Certifies funds in the amount of $90,200 are available in Account No. C-04-21-039-000-085.

_____
Caroline Benson, Acting CFO

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 September 14, 2021.

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

Resolution #264-2021

APPROVING THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize acceptance of a grant funds for the Middlesex Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	$7,978.00
Cash Match	$1,994.50
In-Kind	$5,983.50

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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 September 14, 2021.

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

Resolution #265-2021

AUTHORIZING THE TAX COLLECTOR TO WAIVE AND ADJUST SEWER BILLS FOR VARIOUS PROPERTIES

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;

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

Block/Lot:	188 / 7
Original Amount:	$ 503.54
New Amount:	0.00

Block/Lot:	86.06 / 6
Original Amount:	$ 356.66
New Amount:	0.00
Refund Due:	$ 356.66

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 September 14, 2021.

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

Resolution #266-2021

AT THE RECOMMENDATION OF POLICE CHIEF GEIST APPOINTING LIEUTENANT CRAIG COMISKEY AS A TEMPORARY ACTING CAPTAIN EFFECTIVE SEPTEMBER 15, 2021 FOR A PERIOD NOT TO EXCEED 6 MONTHS

At the recommendation of Police Chief Geist, the Governing Body hereby approves appointing Lieutenant Craig Comiskey as a Temporary Acting Captain at the annual salary for a Police Captain of $148,105 effective September 15, 2021 for a period not to exceed 6 months

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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 September 14, 2021.

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

Resolution #267-2021

REIMBURSEMENT OF DOG LICENSE FEE IN THE AMOUNT OF $10.00 TO RICARDO ZAMORA, 210 WALNUT STREET, MIDDLESEX

The Governing Body hereby approves the reimbursement fee for Dog License to Mr. Ricardo Zamora, 210 Walnut Street, Middlesex, New Jersey in the amount of $10.00 for insufficient Rabies.

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 September 14, 2021.

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

Resolution #268-2021

WAIVING CONSTRUCTION CODE FEES FOR PERMITS ISSUED BETWEEN SEPTEMBER 1, 2021 - DECEMBER 31, 2021 FOR ALL HURRICANE IDA RELATED REPAIRS

The Governing Body hereby approves waiving the Construction Code Fees for permits issued between September 1, 2021 through December 31, 2021 for all Hurricane Ida related repairs. This waiver does not include any Department of Community Affairs State Training Fees.

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 September 14, 2021.

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

Resolution #269-2021

APPROVAL OF THE MAYOR TO EXECUTE THE SETTLEMENT AGREEMENT FOR PAYMENT OF $6,500 TO ROTIMI OWOH, ESQ. FOR THE LEGAL FEES FOR GRC COMPLAINT NO. 2018-70

At the recommendation of the Borough Attorney, the Governing Body hereby approve the Mayor execute the Settlement Agreement for the payment of $6,500 for legal fees to be paid to Rotimi Owoh, Esq. (o/b/o African American Data and Research Institute). The settlement of legal fees are in reference to GRC Complaint No. 2018-70.

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 September 14, 2021.

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

Resolution #270-2021

APPROVING THE SERVICES OF ACCLAIM INVENTORY LLC TO PERFORM AN ANNUAL ASSET INVENTORY AUDIT IN AN AMOUNT NOT TO EXCEED $3,300

WHEREAS, the Borough of Middlesex is required to perform annual asset inventory audits of all Borough property; and

WHEREAS, the Borough of Middlesex intends to utilize Acclaim Inventory LLC, 8 Hamilton Avenue, Edison, NJ, to perform said services in an amount not to exceed $3,300.00; and

WHEREAS, said inventory will be performed late Fall or early Winter; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council hereby approve Acclaim Inventory LLC to perform said asset inventory audit for all Borough property, in the amount not to exceed $3,300.00.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds in the amount of $3,300 are available in Account No. 1-01-20-130-000-138.

_____
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 September 14, 2021.

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

Resolution #271-2021

AUTHORIZING THE BOROUGH OF MIDDLESEX TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE MIDDLESEX AMERICAN LEGION FOR MUTUAL USAGE OF PUBLIC SPACE IN EACH FACILITY FOR NOMINAL CONSIDERATION

WHEREAS, the Borough of Middlesex and the Middlesex American Legion desire to enter into a shared services agreement for mutual utilization of certain public space within each party's facility; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, the parties both desire to enter into this within agreement for nominal consideration; and

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 Shared Services Agreement between the Borough of Middlesex and the Middlesex American Legion, attached hereto, is hereby approved and authorized.
2. That the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement between the Borough of Middlesex and the Middlesex American Legion, attached hereto.
3. A copy of the Agreement is on file with the Borough Clerk's Office for inspection by the public.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 14, 2021.

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

Resolution #272-2021

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 September 14, 2021.

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

Resolution #273-2021

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 - Somerset County Police Dispatch
2. Potential Litigation - USERRE1994
3. Public Safety
4. PBA Negotiations
5. Potential Litigation - DEP

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 September 14, 2021.