



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1400 Mountain Avenue
Middlesex, NJ

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

Tuesday, September 28, 2021

7:00 PM

Recreation Center

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Mayor John Madden
Council President James Eodice
Councilwoman Amy Flood
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Councilman Jeremiah Carnes -- **Absent**

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

2. Mayor Madden amended the Agenda to include Resolution 288-2021, Resolution 289-2021 and remove Resolution 269-2021 from the Consent Agenda and take action after Executive Session.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Frank Ryan from the Beautification Committee

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

PROCLAMATIONS

1. Domestic Violence Awareness Month October, 2021

WHEREAS, domestic violence impacts countless New Jersey residents without regard to age, race, religion, or economic status; as victims suffer at the hands of a spouse or partner, and it affects their children, families, and entire communities; and

WHEREAS, Women Aware, Inc. along with The Middlesex/Dunellen Domestic Violence Response Team has offered unparalleled services to women, children and men who have been victimized by domestic violence;

WHEREAS, the Borough of Middlesex joins with others across New Jersey and across the Nation in supporting victims of domestic violence and shares the worthy goals of this month-long observance, and likewise supports the work of Women Aware, Inc. along with The Middlesex/Dunellen Domestic Violence Response Team as they strive to provide the best coordinated response to domestic violence in our community, sending a loud and clear message to abusers that domestic violence is not tolerated in Middlesex Borough;

NOW THEREFORE, I, Mayor John L. Madden, do hereby proclaim October 2021 as Domestic Violence Awareness Month in the Borough of Middlesex and I urge all citizens to actively participate in the scheduled activities and programs sponsored by Women Aware, Inc., and to work toward the elimination of personal and institutional violence against women, children, and men.

Councilwoman Flood read the Proclamation for Domestic Violence Awareness Month - October, 2021.

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2046-21 by title:

ORDINANCE 2046-21

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 ~~striketrough~~ 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 within a three (3) year period (with said three (3) year period commencing from the first applicable violation and all three applicable contained within a three (3) year period from the first applicable violation) 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).

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/12/2021 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2043-21 by title:

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).

Mayor Madden opened the Public Hearing on Ordinance No. 2043-21. Seeing that there was not any public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2043-21.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

Borough Clerk Linda Chismar read Ordinance 2044-21 by title:

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2044-21. Seeing that there was not any public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2044-21.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

Borough Clerk Linda Chismar read Ordinance 2045-21 by title:

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2045-21. Seeing that there was not any public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2045-21.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

ADOPTION OF MINUTES

MAYOR'S REPORT

Mayor Madden made the following comments:

Mayor Madden personally thanked the DPW for all their hard work in the aftermath of Ida.

Mayor Madden also made note that although public comments are encouraged, foul or abusive language, personal attacks and abusive comments will not be tolerated. In the event of such circumstances, a point of order will be called.

COUNCIL MEMBER REPORTS

Council President Eodice

No Report

Councilman Carnes

No Report

Councilwoman Flood

Councilwoman Flood made the following comments:

BOE Back to School Night events are being held within each school building during the Month of September with an option to participate virtually. Last evening there was a BOE meeting held at MHS at 7pm. Updated COVID guidelines were given. These meetings can be viewed on YouTube Via a link of the District Website.

Fire Department Board of Fire Officers met Monday, September 20, 2021 at 8pm at Parker Fire House. Fire Prevention Day will be October 4th, and Walk Your Child to School Day will be October 6th. The Department plans to take part in these events as needed.

Final Inspections which are their White Glove Inspections will not take place as they are down one truck pending repair from damages due to the hurricane. Inspections on status of trucks, equipment, tools, etc. will still be done.

The Fire Department has responded to about 14 calls since our last meeting.

Also since our last meeting, I met with Chief Bird, and then Mayor Madden separately, and then a meeting was held with Mayor Madden, myself, Chief Bird and both of our Assistant Chiefs, Shawn Young and Ken Bartok. The purpose of the meeting to clarify the ways we will communicate moving forward. A discussion was had about training, equipment and needs of the department. That will be an ongoing discussion as new construction comes online and as we continue to assess the recent hurricane, as well as continue to assess community needs.

After our last Council Meeting had a meeting with our OEM Director Jack Costa to define our system of communication as a Council Representative to that office. Mr. Costa informed me yesterday he would be walking with FEMA for a third time through the community. Additionally, FEMA was here stationed at our Rec Center for two 8 hour days meeting with residents. As the Director of OEM, Mr. Costa was present on those days as were his assistants, Barbara Benson and Lee Poandl.

The Rescue Squad met unofficially on September 15th at 7:30pm. I am in the process of setting up a meeting with members of the squad, myself, and Mayor Madden.

Mr. Vidal, Frank Ryan and I will head out Thursday to continue viewing vacant properties. We should have recommendations for our next meeting.

Councilman Mikolajczyk

Councilman Mikolajczyk reported the following from the Police Department Report: 1536 calls, 1 UCR, 8 index crimes a majority of which are theft or larceny.

Councilman Quinn

Councilman Quinn made the following comments:

Seven Hundred Tons of material has been picked up throughout the Borough as of now, and FEMA will be proving some compensation to the Borough.

Councilman Quinn read a letter from Ronald S. Dobies stating the following:

Dear Superintendent Vidal:

I want to commend you and the entire DPW Department for the excellent work done to remove the debris from Hurricane Ida. As I watched the men cleaning up the debris on Lee Drive, I saw a dedicated team loading a garbage truck and using a dumpster.

I followed your leadership over the past few years and was equally impressed by the work done on household garbage removal, leaf pickup and the operation of the recycling center. Since many of the staff I knew have retired, I think you have done an excellent job hiring their replacements.

There is no doubt in my mind that you and your team have taken on challenging tasks and successfully completed them, from the compliments I have read over the past few years, you and the DPW should be very proud of your accomplishments.

Councilman Quinn read a letter from Vito and Candy LaSala stating the following:

Mr. Mayor;

As a thirty year resident, I would like to take a moment of your time to express my praise for the Middlesex DPW. As you are aware, these workers have been doing great work throughout this entire flood. I watched as these gentleman worked tirelessly to clean the streets from the flood debris. Everyone that I came in contact with was comforting and compassionate. I would like for these gentleman to be recognized as well as the entire DPW.

Stephen Tarbous
Vincent Dispenziere
Ron Ulrichny
Alex Augustine
Tyler Heisch
Dominick DeVecchio

As I do not have access to their files, I ask that you place a copy of this in their employment file, and ask that you officially recognize them with a letter of appreciation as well.

Thank you for your time and your service to our community.

Councilman Rex

No Report

ADMINISTRATOR'S REPORT**Administrator's Report
September 28, 2021**

- i. ***Flood Management:** Green Brook Flood Commission Meeting October 6th - Borough Administrator posted information on website.
- ii. **Update on Sewer Projects:**
 - i. **Phase I:**
 - a. **O&M Manual required by DEP**
 - ii. ***Phase II: Pump Stations: funding to be approved tonight.**
 - iii. **Phase IV: Sewer Bypass**
- iii. **Update on Other Public Works Projects:**
 - i. ***Streetscape Project** - Engineer submitted information to DOT to review and now it is at the Deputy Attorney General. We are awaiting the release of funds.
 - ii. **2019 DOT: Fisher and Ashland**
 - iii. **2020 DOT: Harris, Sherman, Chestnut, Hazelwood:**
 - iv. **2021 DOT:**
 - v. **2022 DOT: Hazelwood, Lonnabe Drive; Misty Lane**
- iv. **Miscellaneous**
 - i. **Hunterdon County Show Stage**
 - ii. **Update on Federal Land Transfer, Municipal Building renovation and new DPW/OEM**
 - iii. ***Tie the Town Pink:** REMINDER Thursday, September 30, 2021 at 10 AM; meet in front of the municipal building and/or police station
 - iv. **Sewer ordinance update**
 - v. **John Sweeney Plaque/tree/resolution**
 - vi. **Condition of Creighton lake**
 - vii. ***Food truck festival alcohol waiver** - a Resolution was added to the meeting agenda tonight for approval.
 - viii. **Landfill public hearing and clean up update**
 - ix. ***Ordinance for Rescue Squad Road access** - This ordinance scheduled to be introduced at the October 12, 2021 Council Meeting.
 - x. ***Risk Management** - Alamo has done a great job by appraising our borough properties and reviewing and assessing the premiums that are being paid by the borough.
 - xi. **Budget review** - FEMA will be reimbursing the borough 100% for bulk from flood and 75% for OT. We are 20 hours over contract for the web services for this year. The budget is hurting this year with a decrease in construction and court revenue and Claremont having an issue with the DEP. Also, we will be out 25% of what we put out for Hurricane IDA. The Administrator and Acting CFO will do a full review of the Budget in November.

PRIVILEGE OF THE FLOOR

Frank Ryan, 303 Maple Street made the following comments:

- Commented on Sean Kaplan's remarks which he felt were not made at the appropriate time.
- Requested that the Council not approve the OPRA settlement Agreement and fight the legal fees.

- Just appointed to the Shade Tree Commission and feels that the Shade Tree Commission should not be overridden by the governing body. The Governing Body should not be sending the DPW out with a chain saw to cut all the trees down.

Janice D'Amico, 501 Wellington Avenue

- Requested that the Shade Tree in front of her house be removed, and submitted pictures of limbs that fell near her. Also, she commented that the Shade Tree Commission had refused to remove the tree, and she had 5 licensed tree people say that the tree was dead and should be removed.

Kevin Redzinski, 441 Fairview Avenue made the following comments:

- He did not receive a response to the email that he sent to all the members of the governing body 2 weeks ago.
- Upset that there were no signs at the lake 2 days after the fish kill.
- Did the price of the property that was discussed for the new DPW Garage for \$1.00 change once the government was aware that we would be using it for a DPW Garage
- Discussed the sewage that would be pumped through the sewer system from Rutgers Stadium
- Discussed sand bags holding TAPE

Phil Stitt, 553 Lorraine Ave.

- Volunteered and picked up garbage by the tennis court in 4 hours and is looking for volunteers to do this again in October.

Rich Rutkowski, 211 Maple Street questioned where the swan went that was at the lake.

Judy D'Amico, 501 Wellington Avenue commented on the following:

- Trees in front of her house are old and should be replaced with new ones.
- Dead branches in the wires, and trees are too tall.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 274-2021

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the August, 2021 Police Report

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 275-2021

**APPROVING THE BLOCK OF HOWARD AVENUE BETWEEN FISHER AVENUE AND
WOODLAND AVENUE FOR THE WATCHUNG SCHOOL PTO TO HOLD A TRUNK OR
TREAT ON THURSDAY, OCTOBER 28, 2021 FROM 5PM - 8PM**

WHEREAS, the Watchung School PTO has requested to have a "Trunk or Treat" on Howard Avenue between Fischer Avenue and Woodland Avenue on October 28, 2021 between the hours of 5 p.m. and 8 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 Watchung School PTO to conduct a "Trunk or Treat" on Howard Avenue between Fischer Avenue and Woodland Avenue on October 28, 2021 between the hours of 5 p.m. and 8 p.m.
2. This resolution shall take effect immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 276-2021

**APPOINTING DAWN GUTTSCHALL AS PART TIME TAX ASSESSOR FOR THE
BOROUGH OF MIDDLESEX AT AN ANNUAL SALARY OF \$30,000.00 EFFECTIVE
OCTOBER 4, 2021**

WHEREAS, N.J.S.A. 40A:9-146 requires every municipality to have a Tax Assessor appointed by the Governing Body of the municipality; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal Tax Assessor shall hold office for a term of four (4) years from the first day of July next following his appointment; and

WHEREAS, on August 24, 2021, via Resolution #236-2021, Thomas Reilly resigned as Middlesex Borough Tax Assessor Effective October 15, 2021, and

WHEREAS, Dawn Guttischall is fully qualified and certified as a Tax Assessor by the State of New Jersey; and has agreed to accept employment by the Borough of Middlesex as a part time Tax Assessor; and

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

1. Dawn Guttschall is hereby retained as part time Tax Assessor by the Borough of Middlesex to fulfill the requirements of this position with employment to commence on October 4, 2021.
2. Dawn Guttschall shall perform the statutory duties of Tax Assessor for the Borough of Middlesex and such other duties, including preparing 200' variance lists, maintaining a list of tax map changes for the engineer to annually update our tax map, and be responsible for the undertaking of the Revaluation for the Borough of Middlesex.
3. The Borough of Middlesex shall pay Dawn Guttschall an annual salary of \$30,000.00 for serving as the Borough of Middlesex Tax Assessor for the remainder of Thomas Reilly's 2021-2022 Term concluding June 30, 2022. Effective July 1, 2022, upon re-appointment, the Borough of Middlesex shall increase the annual salary of Dawn Guttschall to \$35,000.00.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 277-2021

AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTIONS ON BLOCK 209, LOT 97 IN THE AMOUNT OF \$36,850.64

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for September 28th, 2021 and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale: 12/5/2017

Block/Lot: 209 / 97

Amount: \$36,850.64

Premium: \$13,000.00

Certificate: 16-00050

Payable To: Green Knight Capital LLC
474 Mary Allen Way
Mountainside, NJ 07092

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 278-2021

**AUTHORIZING THE BOROUGH ATTORNEYS TO FORECLOSE CERTAIN PROPERTIES
FOR DELINQUENT TAXES IN THE BOROUGH OF MIDDLESEX**

WHEREAS, Darcy DelVecchio, Tax Collector for the Borough of Middlesex, has prepared and presented to the Borough Council of the Borough of Middlesex an In Rem Foreclosure List with a list of municipal liens; and

WHEREAS, N.J.S.A. 54:5-104.35 provides in pertinent that the Governing Body may by Resolution, foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem as provided in the In Rem Foreclosure Act [L.1948, c. 96]; and

WHEREAS, the Borough administration has determined that holding title to the property listed below would further the Borough's ongoing project with the United States Army Corp.;

NOW THEREFORE IT BE RESOLVED, by the Borough Council of the Borough of Middlesex, in the County of Middlesex and in the State of New Jersey, that Christopher M. Corsini, Esquire of Savo Schalk Corsini Gillespie O'Grodnick & Fisher, 56 East Main Street, Suite 301, Somerville, NJ 08876 is hereby authorized to initiate an action and foreclose the property listed below as noted on the In Rem Foreclosure List, a copy of which is attached hereto and made a part hereof:

Cert #10-01740
Block 277, Lot 40
Pershing Avenue
Shern,Ttl Harry Est. S W Dodge

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 279-2021

**ADVANCING MATTHEW STITT TO A FULL TIME LABORER IN THE ROAD
DEPARTMENT FOR THE DPW AT \$16.44 PER HOUR, 40 HOURS PER WEEK,
EFFECTIVE OCTOBER 4, 2021**

The Governing Body hereby advances Matthew Stiff, Bound Brook, New Jersey to full time status as a permanent laborer in the Road Department of the DPW for 40 hours per week at \$16.44 per hour effective October 4, 2021, pending a satisfactory driving abstract.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 280-2021

ADVANCING RICHARD CHASE TO FULL TIME AS A UTILITY PERSON IN THE PARKS DEPARTMENT AT \$21.05 PER HOUR, 40 HOURS PER WEEK, EFFECTIVE OCTOBER 4, 2021

The Governing Body hereby advances Richard Chase, Middlesex, New Jersey to full time status as a Utility Person in the Parks Department for 40 hours per week at \$21.05 per hour effective October 4, 2021, pending a satisfactory driving abstract.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 281-2021

AUTHORIZING THE BOROUGH ATTORNEYS TO INITIATE A CURATIVE TITLE ACTION SO AS TO GAIN CLEAR TITLE TO PARCEL(S) LOCATED IN THE BOROUGH OF MIDDLESEX

WHEREAS, the Borough tax records show that Block 252, Lot 6, is a Borough-owned, tax-exempt lot; and

WHEREAS, the U.S. Army Corp. has been managing a Flood Risk Management Project and requested an easement over this lot, commensurate with similar requests over other lots in the area; and

WHEREAS, it was discovered during the course of the project that title to Block 252, Lot 6 is currently clouded, as the area was remapped approximately one-hundred years prior resulting in conflicting ownership records; and

WHEREAS, no predecessor in title is currently identifiable, as the Borough tax records show the Borough as the proper owner for, at least, the past sixty years; and

WHEREAS, N.J.S.A. 2A:62-1 et. seq. allows a person or entity in peaceable possession of a parcel of land to file an action to compel any other persons or entities with a conflicting claim to title to come forward and subject said claim to judicial determination;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, in the County of Middlesex and State of New Jersey, that Borough Attorney Christopher Corsini, Esq., of Savo, Schalk, Corsini, Gillespie, O'Grodnick & Fisher, P.A., is

hereby authorized to file a quiet title action in the Superior Court of New Jersey as a curative title measure to give the Borough clear title to Block 252, Lot 6

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 282-2021

AUTHORIZING THE TAX COLLECTOR TO CANCEL 3RD & 4TH QTR. 2021 & 1ST & 2ND QTR. 2022 TAXES FOR VARIOUS PROPERTIES

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

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

WHEREAS, the following properties were purchased, and

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel 3rd & 4th Qtr. 2021 & 1st & 2nd Qtr. 2022 taxes on the following Blocks and Lots in the following amounts:

Block /Lot:		252 / 10
Date of Purchase:		12/11/2020
2021	3	\$2,414.72
2021	4	\$2,414.72
2022	1	\$2,361.56
2022	2	\$2,361.55

Block /Lot:		246 / 2
Date of Purchase:		12/30/2020
2021	3	\$1,783.94
2021	4	\$1,783.93
2022	1	\$1,744.66
2022	2	\$1,744.66

Block/Lot:		252/28
Date of Purchase:		12/10/2020
2021	3	\$2,392.55
2021	4	\$2392.54
2022	1	\$2,339.87
2022	2	\$2,339.87

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 283-2021**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;

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

Block/Lot: 113 / 6.01
Original Amount: \$1,898.73
New Amount: 0.00

Block/Lot: 110 / 12
Original Amount: \$1,132.94
New Amount: 0.00

Block/Lot: 321 / 6
Original Amount: \$115.39
New Amount: 0.00

Block/Lot: 6 / 2.02
Original Amount: \$12,645.65
New Amount: 0.00
Reason: Litigation

Block/Lot: 6 / 2.02
Original Amount: \$14, 970.50
New Amount: 0.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 284-2021**HIRING ADRIENE BACON AS A PART TIME BUS DRIVER IN THE OFFICE OF SENIOR & DISABLED SERVICES AT \$20.00 PER HOUR, FOR APPROXIMATELY 25 HOURS PER WEEK, EFFECTIVE IMMEDIATELY**

The Governing Body hereby approves hiring Adriene Bacon, Piscataway, New Jersey to work in the Office of Senior & Disabled Services as a part time bus driver for approximately 25 hours per week at \$20 per hour effective immediately, pending a satisfactory background check, physical and Drivers Abstract.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 285-2021**HIRING JOE FORD AS A PART TIME BUS DRIVER IN THE OFFICE OF SENIOR & DISABLED SERVICES AT \$18.00 PER HOUR, FOR APPROXIMATELY 25 HOURS PER WEEK, EFFECTIVE IMMEDIATELY**

The Governing Body hereby approves hiring Joe Ford, Bound Brook, New Jersey to work in the Office of Senior & Disabled Services as a part time bus driver for approximately 25 hours per week at \$18 per hour effective immediately, pending a satisfactory background check, physical and Drivers Abstract.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 286-2021**AWARDING THE PHASE II SEWER (GREENBROOK ROAD AND LOUIS AVENUE PUMP STATION) PROJECT TO T.R. WENIGER, INC IN THE AMOUNT OF \$810,635.00**

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: Phase II - Sewer (Greenbrook Road and Louis Avenue Pump Station) Project; and

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for the Phase II - Sewer (Greenbrook Road and Louis Avenue Pump Station) Project were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, two (2) sealed bids were received on July 14, 2021 and opened publicly and read out loud at 1200 Mountain Avenue, Middlesex, NJ, for the Phase II - Sewer (Greenbrook Road and Louis Avenue Pump Station) Project; and

WHEREAS, listed below are bids received for said project:

- | | |
|----------------------|------------------------|
| 1) T.R Weniger, Inc. | Base Bid: \$810,635.00 |
|----------------------|------------------------|

Piscataway, NJ

- 2) CMS Construction, Inc. Base Bid: \$1,080,150.00
Plainfield, NJ

WHEREAS, the Project Engineer, Remington and Vernick, recommends awarding the bid to T.R. Weniger, Inc., the lowest responsible bidder, in the total bid amount of \$810,635.00 as contingent upon the Borough Attorney's review, availability of funds for this project, and NJDEP approval for additional funding; and

WHEREAS, the Borough Attorney has reviewed the bid proposal package of the lowest 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 T.R. Weniger, Inc., 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 Phase II - Sewer (Greenbrook Road and Louis Avenue Pump Station) Project to T.R. Weniger, Inc. as the lowest responsible bidder in the amount of \$810,635.00.
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 T.R. Weniger, Inc.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the amount of \$810,635.00 in account number C-04-17-907-000-050.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 288-2021

**APPROVING THE ELKS TO PROVIDE ALCOHOL AT THE RECREATION FOOD TRUCK
FESTIVAL ON OCTOBER 9, 2021 AT MOUNTAIN VIEW PARK**

The Governing Body hereby approves the Middlesex Elks Lodge 1488 to provide alcohol at the Recreation Food Truck Festival on October 9, 2021 at Mountain View Park.

NON-CONSENT AGENDA/RESOLUTIONS

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 287-2021

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 289-2021

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. GRC Complaint 2018-70

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

ADJOURNMENT

The next Regular Meeting will be October 12, 2021

Respectfully yours,

Linda Chismar, RMC
Borough Clerk