



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, October 26, 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 Amelia Sherr from the Board of Health Effective October 15, 2021

VI. PROCLAMATIONS

VII. ORDINANCE(S) FOR INTRODUCTION

- 1. **Ordinance 2047-21** AN ORDINANCE AMENDING CHAPTER 407 ENTITLED "VEHICLES AND TRAFFIC" TO INCLUDE A NEW ARTICLE XXII TO BE ENTITLED "EMERGENCY VEHICLE ACCESS ZONES" TO PROHIBIT THE PUBLIC FROM OBSTRUCTION OF SUCH DESIGNATED EMERGENCY VEHICLE ZONES.

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

IX. ADOPTION OF MINUTES

- 1. Approval of the October 12, 2021 Regular Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

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

XII. ADMINISTRATOR'S REPORT**XIII. PRIVILEGE OF THE FLOOR**

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

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

1. **Resolution 303-2021** Acceptance of Standing Reports
2. **Resolution 304-2021** The Governing Body has Complied with N.J.A.C. 5:30-6.5 and has Reviewed the Annual Audit
3. **Resolution 305-2021** Accepting the SFY21 Body Worn Camera Grant Program Award in the Amount of \$69,292.00 from the NJ Department of Law and Public Safety, Office of the Attorney General
4. **Resolution 306-2021** Special Items of Revenue & Appropriations - Clean Communities Grant Program in the Amount of \$28,014.86
5. **Resolution 307-2021** Accepting the Resignation of Alisa Guttadauro From the Police Department as a Crossing Guard Effective October 29, 2021
6. **Resolution 308-2021** The Governing Body Approves the Purchase of 10 Dual Band P24 Voice Pagers and Desk Chargers from Tactical Public Safety in an Amount Not to Exceed \$6,887.00

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 309-2021** 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 310-2021** Executive Session

Public Safety

Real Estate - Deed Restriction

Real Estate - Sale of Properties

Real Estate - Blue Acres Buy Outs

XIX. ADJOURNMENT

1. The next Regular Meeting will be November 9, 2021

ORDINANCE #2047-21

AN ORDINANCE AMENDING CHAPTER 407 ENTITLED “VEHICLES AND TRAFFIC” TO INCLUDE A NEW ARTICLE XXII TO BE ENTITLED “EMERGENCY VEHICLE ACCESS ZONES” TO PROHIBIT THE PUBLIC FROM OBSTRUCTION OF SUCH DESIGNATED EMERGENCY VEHICLE ZONES.

WHEREAS, N.J.S.A. 39:4-8b authorizes the Borough of Middlesex to establish any of the provisions contained in N.J.S.A. 39:4-197 for streets under municipal jurisdiction;

WHEREAS, the Borough Administrator has requested that an investigation be conducted to determine the need for “Do Not Block Intersection” markings and signs along a portion of Mountain Avenue at the Middlesex Borough Rescue Squad entrance/exit for emergency vehicle access; and

WHEREAS, the Borough Engineer has completed an investigation dated July 30, 2021 pursuant to N.J.S.A. 39:4-8b(3), and has recommended that an *Emergency Vehicle Access Zone* be established pursuant to N.J.S.A. 39:4-197(1)e; and

WHEREAS, the Middlesex Borough Council has reviewed the request and determined that the establishment of an Emergency Vehicle Access Zone along Mountain Avenue at the Middlesex Borough Rescue Squad is in the interest of safety;

NOW, THEREFORE IT BE RESOLVED by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Chapter 407, Article XXII, Sections 407-78 and 407-79 are hereby established as follows:

Section I

The title of Chapter 407, Article XXII shall read as follows:

ARTICLE XXII EMERGENCY VEHICLE ACCESS ZONE(S)

Section II

Chapter 407, Article XXII, Section 407-78 to be titled “Places where parking or obstruction is prohibited” is hereby established and shall read as follows (all text is new text to be inserted into the Code):

407-78 Places where parking or obstruction is prohibited.

- A. No person shall stop, stand, or obstruct a designated emergency vehicle access zone which has been clearly marked by Do Not Block Intersection markings and signs pursuant to Section 3B.17 of the current edition of the M.U.T.C.D., nor shall the driver move such vehicle into the clearly marked zone if proceeding traffic prevents immediate clearance of the emergency vehicle access zone.
- B. The following shall be deemed a designated emergency vehicle access zone:
Along Mountain Avenue at:
 Middlesex Borough Rescue Squad entrance/exit driveway - Beginning at a point 120 feet south of the southerly curb line of Bound Brook Road (N.J. Route 28) and extending 60 feet south therefrom.

Section III

Chapter 407, Article XXII, Section 407-79 to be titled "Violations and penalties" is hereby established and shall read as follows (all text is new text to be inserted into the Code):

407-79 Violations and penalties.

For violation of any provision of this Ordinance, the maximum penalty shall be a fine of \$250 or imprisonment for a period not to exceed 90 days, or both.

Section IV

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

Section V

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 VI

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).

Section VII

In accordance with the provisions of N.J.S.A. 39:4-198 and the current edition of the Manual on Uniform Traffic Control Devices, proper signs and pavement markings shall be installed.

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 October 26, 2021.

INTRODUCED: October 26, 2021

DATE OF PUBLICATION:
OF INTRODUCTION October 29, 2021

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

Resolution #303-2021

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the September, 2021 Police Report

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on October 26, 2021.

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

Resolution #304-2021

THE GOVERNING BODY HAS COMPLIED WITH N.J.A.C. 5:30-6.5 AND HAS REVIEWED THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Borough of Middlesex, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show

evidence of said compliance.

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 October 26, 2021.

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

Resolution #305-2021

**ACCEPTING THE SFY21 BODY WORN CAMERA GRANT PROGRAM AWARD IN
THE AMOUNT OF \$69,292.00 FROM THE NJ DEPARTMENT OF LAW AND PUBLIC
SAFETY, OFFICE OF THE ATTORNEY GENERAL**

The Governing Body of the Borough of Middlesex does accept the award of the SFY21 Body Worn Camera Grant Program (Award No. 21-BWC-266) from the NJ Department of Law and Public Safety Office of the Attorney General in the amount of \$69,292.00. This award is effective July 1, 2021 and for the Award Period of January 2, 2021 - December 31, 2025 for the purpose of purchasing body worn cameras.

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 October 26, 2021.

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

Resolution #306-2021

**SPECIAL ITEMS OF REVENUE & APPROPRIATIONS - CLEAN COMMUNITIES
GRANT PROGRAM IN THE AMOUNT OF \$28,014.86**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$28,014.86, which item is now available as a revenue from the Clean Communities Grant Program in the amount of \$28,014.86;

BE IT FURTHER RESOLVED that the like sum of \$28,014.86 is hereby appropriated under the caption of "Clean Communities Grant Program"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$28,014.86 from the Clean Communities Grant Program.

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 October 26, 2021.

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

Resolution #307-2021

**ACCEPTING THE RESIGNATION OF ALISA GUTTADAURO FROM THE POLICE
DEPARTMENT AS A CROSSING GUARD EFFECTIVE OCTOBER 29, 2021**

The Governing Body accepts the resignation of Alisa Guttadauro from the Police Department as a School Crossing Guard effective October 29, 2021.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on October 26, 2021.

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

Resolution #308-2021

THE GOVERNING BODY APPROVES THE PURCHASE OF 10 DUAL BAND P24 VOICE PAGERS AND DESK CHARGERS FROM TACTICAL PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$6,887.00

WHEREAS, the Office of Emergency Management of the Borough of Middlesex wishes to purchase 10 Dual Band P24 Voice Pagers and Desk Chargers under the NJ State Contract #A83932; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Tactical Public Safety is under the NJ State Contract #A83932 for the purchase of Dual Band P24 Voice Pagers and Desk Chargers; and

WHEREAS, the cost for said purchase of 10 Dual Band P24 Voice Pagers and Desk Chargers is \$6,887.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of 10 Dual Band P24 Voice Pagers and Desk Chargers for the Office of Emergency Management, in the amount of \$6,887.00, under NJ State Contract #A83932 be and is hereby approved.

The CFO hereby certifies that the funds in an amount not to exceed \$6,887.00 are available in Account No. C-04-21-039-000-073.

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 October 26, 2021.

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

Resolution #309-2021

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 October 26, 2021.

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

Resolution #310-2021

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 which include: (a) Public Safety; (b) Real Estate - Deed Restriction; (c) Real Estate - Sale of Properties; and (d) Real Estate - Blue Acres Buy Outs; 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 above 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.

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 October 26, 2021.