



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, October 26, 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
Councilman Jeremiah Carnes
Councilwoman Amy Flood
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

2. Mayor Madden added Resolution 311-2021 to the Consent Agenda

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

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Amelia Sherr from the Board of Health Effective October 15, 2021

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2047-21 by title:

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.

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/9/2021 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

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

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

MAYOR'S REPORT

Mayor Madden made the following comments:

August 1, 2021 saw the massive 48" Piscataway Water Main break, which caused several sanitary service laterals to conjoin their effluent discharging directly into the Ambrose Brook along with legally discharging chemical surfactants all winding up in our Creighton Lake at Victor Crowell Park. The consequence of this left approximately 2.5 feet of silt, sediment and debris lodged in our lake.

To date, the most current water quality report revealed that the E. Coli contamination has repeatedly tested over the maximum that the testing apparatus can identify. This dangerous bacterium lingers still.

It is interesting to note that typically NJ beaches are closed with much less E. Coli as tested. The 2.5 feet of lost depth in the lake can only push any amount of rain water to much higher levels. In addition, soil erosion is also contributing to this problem.

If anyone has gone to see the lake this afternoon, you were probably shocked to see a record height of the water. In addition, the island has disappeared into the lake.

Again, I am calling on the DEP to make the decision to perform a hydraulic dredging to save the lake. The NJ American Water Company has promised to pay all the expenses for said restoration of Creighton Lake.

COUNCIL MEMBER REPORTS

Council President Eodice

Council President Eodice made the following comments:

Swim Pool Commission met last week, various items were discussed including off season maintenance.

Thank you to Administrator Karrow and Caroline Benson for their work on the Audit.

Thank you to all the Borough employees for their hard work.

Councilman Carnes

No Report was given.

Councilwoman Flood

No Report was given.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

1768 Calls, 141 Traffic Summons, 33 Motor Vehicle Accidents, 5 UCR of which three are already resolved

Councilman Quinn

No Report was given.

Councilman Rex

Councilman Rex made the following comments:

The Borough will be holding a Rabies Clinic on November 6th, from 10am till 12am, at the Borough's DPW yard located on Main Street in town. Happy Pet Veterinary Hospital will be the attending Veterinarian, who are located on Main Street in South Bound Brook. They have volunteered to supply all necessary items for the event.

ADMINISTRATOR'S REPORT

Administrator Karrow introduced the new Tax Assessor, Dawn Guttshall and she updated council on the pending revaluation, upgrading of the software and also mentioned to the Governing Body that she would be coming to Council Meetings in the future to discuss with the public highlights of the revaluation process and answer their questions.

- i. Flood Management: Green Brook Flood Commission Meeting October 6th
- ii. Update on Sewer Projects:
 - i. Phase I:
 - a. O&M Manual required by DEP
 - ii. *Phase II: Pump Stations: funding - This has been approved by the DEP and the project has been awarded.
 - iii. Phase IV: Sewer Bypass
- iii. Update on Other Public Works Projects:
 - i. Streetscape Project
 - ii. 2019 DOT: Fisher and Ashland
 - iii. 2020 DOT: Harris, Sherman, Chestnut, Hazelwood:
 - iv. 2021 DOT:
 - v. 2022 DOT: Hazelwood, Lonnabe Drive; Misty Lane - Awarded \$556,530
- iv. Miscellaneous
 - i. Hunterdon County Show Stage
 - ii. Update on Federal Land Transfer, Municipal Building renovation and new DPW/OEM
 - iii. Sewer ordinance update
 - iv. John Sweeney Plaque/tree/resolution
 - v. Condition of Creighton lake
 - vi. Landfill public hearing and clean up update
 - vii. *Ordinance for Rescue Squad Road access - Introduced tonight
 - viii. *Rabies Clinic - Scheduled for November 6th at DPW Garage from 10AM - 12PM
 - ix. *Ida Update - Administrator reported that we have been reaching out to get the dredging done, but it requires a DEP permit. The Risk Manager and Environmental Attorney have been involved, in the event it becomes a legal matter.
 - x. *2020 Audit - Audit had no reported findings - CFO did outstanding job
 - xi. *Fire Department coverage of Dunellen and Green Brook - Amendment to Agenda to execute Agreement for Shared Services with Dunellen and Green Brook for fire coverage. This was recommended by our JIF

Insurance as the Fire Department has been covering fire services in Dunellen and Greenbrook. Dunellen needs assistance as they had a serious fire, lost 2 trucks and damaged was done to the firehouse. Greenbrook is not staffed weekdays and wants Middlesex Borough's fire coverage. Council agreed to execute an agreement with Dunellen until December 31, 2022 and Greenbrook until December 31, 2021.

xii. *Fiscal Update - 2019 Library Audit was not done. Supplee Clooney will try to complete.

xiii. *Best Practices Inventory for State Aid - Submitted with a score of 22.5 out of 23.5.

Council President Eodice commented on a meeting that was held with the Fire Department, stating that he was disheartened by the amount of disrespect given towards the Business Administrator.

PRIVILEGE OF THE FLOOR

Bob Edwards, 243 Hazelwood Avenue questioned what would happen if a Middlesex Borough fireman would get injured in another town.

Dave Polakiewicz, 240 Hazelwood Avenue questioned what hours are our fire company covering Green Brook during the week, how long has this been going on and how many calls have they gone to.

Mayor Madden and Administrator Karrow responded to all questions.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 311-2021

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF DUNELLEN AND THE TOWNSHIP OF GREENBROOK FOR FIRE SERVICES

WHEREAS, the Borough of Dunellen and the Township of Greenbrook have requested to enter into a Shared Service Agreement for Fire Services; and

WHEREAS, the Mayor and Borough Clerk are required to execute these Agreements.

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

1. The Mayor and Borough Clerk are authorized to execute a Shared Service Agreement for Fire Services with the Borough of Dunellen which term will expire on December 31, 2022.
2. The Mayor and Borough Clerk are authorized to execute a Shared Service Agreement for Fire Services with the Township of Greenbrook which term will expire on December 31, 2021.
3. This resolution shall take effect immediately.

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 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.

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

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 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.

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

Public Safety

Real Estate - Deed Restriction

Real Estate - Sale of Properties

Real Estate - Blue Acres Buy Outs

ADJOURNMENT

The next Regular Meeting will be November 9, 2021

Respectfully yours,

Linda Chismar, RMC
Borough Clerk