



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, February 22, 2022

7:00 PM

Municipal Building

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:

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Laura Thomasey and James Johansen from the Cultural & Heritage Committee

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the January 25, 2022 Executive Meeting Minutes

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

2. Approval of the February 8, 2022 Regular & Executive Meeting Minutes

RESULT:	APPROVED [5 TO 0]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Flood, Mikolajczyk, Quinn, Rex
ABSTAIN:	Carnes

MAYOR'S REPORT

COUNCIL MEMBER REPORTS

Council President Eodice

Council President Eodice commented that he attended the HUD Committee meeting on February 15th.

Councilman Carnes

No Report was given.

Councilwoman Flood

No Report was given.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

With regard to the Police Department report they received 1982 calls, 17 arrests, 5 DWI's, 398 summons, 40 motor vehicle crashes, 11 reportable crimes 2 of which are cleared for 18%.

The hiring process is underway for 4 new officers

The Fire Department met last night. Preparations are being made for the Carnival. Discussion was also made in regards to the moving of equipment at Borough Hall.

Councilman Mikolajczyk stated that he will be meeting with the Rescue Squad in the near future.

Councilman Quinn

No Report was given.

Councilman Rex

Councilman Rex made the following comments:

Shade Tree Commission Meeting was held on February 10, 2022

RFP for Tree Inventory - Chairman Bond will follow up on the estimates with Paul Cowey for the March meeting. Working on verbiage for the RFP. Will research how surrounding Municipality have worded theirs RFP for clarification purposes.

Tree Management Renewal Plan - The Renewal Plan was discussed and completed. The Borough Clerk will submit the application prior to the dead line.

Potential Ordinance Amendment - One of the many improvements will be resident's requests to the Shade Tree to approve the removal of shade trees and/or for them to pay for removal themselves. The Commission plans to ask Joe Costa and Mayor Madden to their meeting when this is discussed.

The Commission continues to discuss the dedication of property on Raritan Ave as a Tree Arboretum. This process maybe be more difficult than realized.

The Commission identified two ordinations violating for Shade Tree removal without the knowledge of the commission. Joe Costa has submitted fines.

The Shade Tree Commission continues to operate under the temporary budget. Due to present money available, they have had to prioritize pending work.

The Commission have reviewed Fall planting areas:

- Lot at end of intersection of 3rd St and Rock Lane (blue Acres)
- South side of Drake or north side Voorhees. Tress on both sides of the road.
- Center Place and Melrose Avenue.

Communication

Received 6 emails from residents requesting shade trees to be looked at with various problems. Each were discussed with various commission members saying they will visit the site and report on recommendations at the next meeting.

ADMINISTRATOR'S REPORT

- i. **Flood Management:**
- ii. **Update on Sewer Projects:**
 - i. **Phase I:**
 - a. **O&M Manual required by DEP**
 - ii. **Phase II: Pump Stations: funding**
 - 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: **Hazelwood, Judson, Shearn, and Sherman**

Award: \$385,875

Construction estimates:

- Hazelwood \$557,840.00
- Judson 146,262.50
- Shearn 150,032.50
- Sherman 523,805.00

v. 2022 DOT: Hazelwood, Lonnabe Drive; Misty Lane

vi. * Baekeland Sewer stub - Cedar Avenue - Waiting on a cost estimate.

iv. Miscellaneous

i. Update on Federal Land Transfer, Municipal Building renovation and new DPW/OEM

ii. Condition of Creighton lake

iii. John Sweeney Plaque/tree/resolution

iv. *Landfill Closure Plan - Today groundwater sampling was taking place - with results anticipated in 3 - 4 weeks. Expect recommendations in April.

v. Fire Department Rules and Regulations

vi. Middlesex School Agreement Re Sanitation

vii. Warrenton Road

viii. JFK Blvd and Bound Brook Road

ix. *Recreation Fee Update - Review done by Recreation, Council discussed and agreement reached to reintroduce an ordinance that charges fees for borough fields to organizations that do not have at least 51% membership of Middlesex Borough residents. Recreation teams & BOE teams are excluded from this ordinance.

x. *BANs Bond Sale in June - This will be a \$10,000,000 sale.

xi. *Bayer Crop Science MUA Sewer Permit - Administrator requested to table resolution to discuss further.

xii. *Change of Dental Plan - The borough is looking to switch employee dental plan to Delta Dental, (lower rate) and await union approval and then Council can approve the new contract.

xiii. *National Opioid Settlement - We have submitted an application to be part of this settlement and New Jersey's allocated funds will be split 50% to the State and 50% to the Counties & Municipalities that have applied for this settlement.

xiv. New Flood Plain Ordinance - DEP requiring a draft of our new ordinance by April 18 and the ordinance adopted by June. The Administrator spoke with Joe DeLorenzo and although we are not required to adopt this ordinance, if we don't, our homes will not qualify for flood insurance. This Ordinance is complicated and merges construction into the ordinance and expands permits, records and improvements and also expands penalties. The Administrator indicated that this will be very costly. She will be discussing this ordinance further with Joe Costa and Construction Official Bob Klein.

PRIVILEGE OF THE FLOOR

Dave Polakiewicz, 240 Hazelwood Avenue, questioned the litigation of Gramercy Gardens on the Executive session. He also inquired if the sampling being taken at the Landfill was the work of a consultant that the Borough was hiring. Additionally, he asked if anyone has been interviewed for the Business Administrator position and the experience the applicants have.

Rich Rutkowski, 211 Maple Street, inquired about the status of the Lincoln Statue. He also asked for a follow up on a recent issue with the Hamiltonian Apartment's swimming pool. He expressed his opinion on resolution #76 stating dislike of the word "timely" and asked the Council to reconsider the word before voting.

Shaun Young, 405 Decatur Avenue, asked for clarification as to why the Fire Department is being relocated to the basement of Borough Hall. Mr. Young expressed his concern for the equipment and supplies of the Department that would be stored in the basement stating that the conditions downstairs were not desirable. He also stated that carrying heavy equipment and supplies up the basement stairs was burdensome and requested that the governing body reconsider the decision of relocation.

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 75-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the 2021 Tax Year End Report

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 76-2022

REQUESTING THE TOWNSHIP OF PISCATAWAY TO AIR ALL PUBLIC MEETINGS OF MIDDLESEX BOROUGH IN A TIMELY MANNER FOLLOWING EACH MEETING - *Item Removed from Consent*

WHEREAS, Mayor and Borough Council of the Borough of Middlesex recognize the importance of keeping the Borough's residents informed and of encouraging public participation in local government; and

WHEREAS, Mayor and Borough Council of the Borough of Middlesex believes that having access to public information, including municipal meetings, is inherent for the public to participate; and

WHEREAS, the Borough of Middlesex has purchased equipment to video record public meetings for the public's benefit; and

WHEREAS, in furtherance of the aforementioned, the Borough of Middlesex wishes to provide the residents of the Borough with ready and available public access to the video recordings of all public municipal meetings, and

WHEREAS, Piscataway Township operates a regional public access cable television station which includes the area of Middlesex Borough,

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

1. The Middlesex Borough Council requests that the Township of Piscataway air all public meetings of Middlesex Borough on PCTV in a timely manner following each meeting.
2. This resolution shall take effect immediately.

RESULT:	ADOPTED BY CONSENT VOTE [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 77-2022

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST EXTENDING THE
TEMPORARY APPOINTMENT OF ACTING CAPTAIN CRAIG COMISKEY EFFECTIVE
MARCH 15, 2022 FOR A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves extending the temporary appointment of Acting Captain Craig Comiskey for an additional six months at the annual salary for a Police Captain of \$148,105. This appointment is effective March 15, 2022 for a period not to exceed 6 months.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 78-2022

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST EXTENDING THE
TEMPORARY APPOINTMENT OF ACTING POLICE LIEUTENANT CHAD CORNER AND
ACTING POLICE LIEUTENANT THOMAS CARROLL EFFECTIVE MARCH 1, 2022 FOR
A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves extending the temporary appointments of Acting Lieutenant Chad Corner and Acting Lieutenant Thomas Carroll for an additional six months at the annual salary for a Police Lieutenant of \$135,876. This appointment is effective March 1, 2022 for a period not to exceed 6 months.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 79-2022

**AT THE RECOMMENDATION OF POLICE CHIEF GEIST EXTENDING THE
TEMPORARY APPOINTMENT OF ACTING POLICE SERGEANT MARK MELCHIORRE,
ACTING POLICE SERGEANT RYAN SKOW AND ACTING POLICE SERGEANT SEAN
FLANAGAN EFFECTIVE MARCH 1, 2022 FOR A PERIOD NOT TO EXCEED 6 MONTHS**

At the recommendation of Police Chief Geist, the Governing Body hereby approves extending the temporary appointments of Acting Police Sergeant Mark Melchiorre, Acting Police Sergeant Ryan Skow and Acting Police Sergeant Sean Flanagan for an additional six months at the annual salary for a Police Sergeant of \$124,657. This appointment is effective March 1, 2022 for a period not to exceed 6 months.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 80-2022

**REIMBURSEMENT OF DOG LICENSE FEE TO KAREN REES, 418 MELROSE AVENUE,
MIDDLESEX, NJ IN THE AMOUNT OF \$10.00 AND CARLOS BRONCANO, 706 WILLIAM
STREET, MIDDLESEX, NJ IN THE AMOUNT OF \$10.00**

The Governing Body hereby approves the reimbursement fee for Dog License to Ms. Karen Rees, 418 Melrose Avenue, Middlesex, New Jersey in the amount of \$10.00 for a duplicate license and Mr. Carlos Broncano, 706 William Street, Middlesex, New Jersey in the amount of \$10.00 due to insufficient rabies vaccination..

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 81-2022

APPROVAL OF THE 2022 HUD FUNDS

The following items have been approved by the Housing and Community Development Committee to be submitted to the Middlesex County Housing & Community Development for approval for the use of the 2022 Grant Funds:

Senior Coordinator Salary	\$10,000
Senior Van Driver	\$9,205
Code Enforcement	\$10,575
Nutritional Program	\$6,500

Legion Park Tot Lot Equipment	\$11,836.99
Library Awning	\$15,737.01
TOTAL	\$63,854

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 82-2022

**ACCEPTING THE RESIGNATION OF KEVIN MULVANEY FROM THE DEPARTMENT
OF PUBLIC WORKS EFFECTIVE FEBRUARY 23, 2022**

The Governing Body hereby accepts the resignation of Kevin Mulvaney from the DPW effective February 23, 2022. Mr. Mulvaney was employed part time in the Sanitation Department.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 83-2022

DECLARING VARIOUS COMPUTER ITEMS STORED AT BOROUGH HALL SURPLUS

WHEREAS, the Borough of Middlesex has determined that various computer items stored at Borough Hall, have been rendered obsolete, broken, and no longer serviceable by the IT Department; and

WHEREAS, the Borough of Middlesex intends to dispose of said obsolete, broken and no longer serviceable items stored at Borough Hall; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby declare the items stored at Borough Hall to be non-serviceable as surplus and authorize their disposal, effective immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 84-2022

**AUTHORIZING THE REIMBURSEMENT OF \$150.00 FOR THE 2021-2022 BOARD OF
HEALTH MERCANTILE LICENSE TO MOHAMMAD NIAZ, 157 SOMERSET AVENUE,
SOUTH PLAINFIELD, NJ**

The Governing Body hereby approves the reimbursement of \$150.00 for the 2021-2022 Board of Health Mercantile License to Mohammad Niaz, 157 Somerset Avenue, South

Plainfield, NJ 07080, as he was inadvertently charged an incorrect fee for said 2021-2022 Board of Health Mercantile License.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 85-2022

APPROVING THE TEMPORARY DISCHARGE APPROVAL APPLICATION AT THE FACTORY LANE SITE TO BE SUBMITTED BY THE MCUA AT THE REQUEST OF NEW FIELDS, ON BEHALF OF BAYER CROP SCIENCE, INC. - *Item Removed from Consent*

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater; and

WHEREAS, at the recommendation of the Borough's Sewer Operator, the Governing Body is recommending that the Conditions on this Temporary Discharge Approval be amended in Section C to read as follows:

The discharge shall be at a rate not to exceed 65 gpm and the total flow shall be 50,000 gallons a day monthly average with a daily peak of 72,000 gallons. The total volume of groundwater discharged over the term of this Temporary Discharge Approval shall not exceed 18,250,000 gallons.

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. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer CropScience, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as amended under "Conditions" Item C to read as follows: "The discharge shall be at a rate not to exceed 65 gpm and the total flow shall be 50,000 gallons a day monthly average with a daily peak of 72,000 gallons. The total volume of groundwater discharged over the term of this Temporary Discharge Approval shall not exceed 18,250,000 gallons."

2. This resolution shall take effect immediately.

RESULT:	TABLED BY CONSENT VOTE [UNANIMOUS]	Next: 3/15/2022 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

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 86-2022

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 87-2022

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: Real Estate - Army Corp.; Litigation - Gramercy Gardens; Contract Negotiations - PBA, Property Acquisition & Dispatch Contract; and Rescue Squad Lease; 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.

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

Real Estate - Army Corp.

Litigation - Gramercy Gardens

Contract Negotiations - PBA Contract

Contract Negotiations - Property Acquisition

Contract Negotiations - Police Dispatch

Contract Negotiations - Rescue Squad

ADJOURNMENT

The next Regular Meeting will be March 15, 2022

Respectfully yours,

Linda Chismar, RMC
Borough Clerk