



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, May 10, 2022

7:00 PM

Municipal Building

- 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	☐	☐	☐	
Interim Administrator Joe Costa	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

- IV. PRESENTATIONS**
- V. APPOINTMENTS**
 - 1. Acceptance of the Resignation of Pat Repenn from the Beautification Committee
- VI. PROCLAMATIONS**
 - 1. National Police Week - May 11 - 17, 2022
 - 2. Older Americans Month 2022
- VII. BUDGET HEARING**
 - 1. **Resolution 137-2022** Adoption of the 2022 Municipal Budget
- VIII. ORDINANCE(S) FOR INTRODUCTION**
 - 1. **Ordinance 2059-22** AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX
- IX. ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**

1. **Ordinance 2057-22** AN ORDINANCE REPEALING SECTION 36-3 ENTITLED "COMMUNITY EMERGENCY RESPONSE TEAM" FROM CHAPTER 36 OF THE CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "EMERGENCY MANAGEMENT"
2. **Ordinance 2058-22** AN ORDINANCE AMENDING SECTION 80-75 ENTITLED "ADMINISTRATIVE FEE FOR USE OF POLICE OFFICERS AND/OR VEHICLES ON EXTRA-DUTY JOBS" WITHIN CHAPTER 80 OF THE CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "POLICE DEPARTMENT"

X. ADOPTION OF MINUTES

1. Approval of the March 19, 2022 Special & Executive Meeting Minutes
2. Approval of the March 29, 2022 Special & Executive Meeting Minutes
3. Approval of the April 12, 2022 Executive Meeting Minutes
4. Approval of the April 14, 2022 Special & Executive Meeting Minutes
5. Approval of the April 26, 2022 Regular & Executive Meeting Minutes
6. Approval of the May 2, 2022 Special Meeting Minutes

XI. MAYOR'S REPORT

XII. COUNCIL MEMBER REPORTS

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

XIII. ADMINISTRATOR'S REPORT

XIV. 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.

- XV. 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 138-2022** Acceptance of Standing Reports
2. **Resolution 139-2022** Approval to the Repair of Guide Rails at Warrenville Road and West 2nd Street in the Amount of \$14,800
3. **Resolution 140-2022** Appointing Joe Costa to Serve as Fund Commissioner to the Central Jersey Joint Insurance Fund for 2022
4. **Resolution 141-2022** A Resolution Urging the New Jersey Legislature to Amend the Budget Cap Law to Appropriate Funds for Increasing Insurance Costs
5. **Resolution 142-2022** Renewal of Junkyard Licenses for 2022/2023 (Expiring 5/31/2023) for the Borough of Middlesex
6. **Resolution 143-2022** Approval of the 2021 Recycling Tonnage Grant Application
7. **Resolution 144-2022** Approving a Block Party to the Residents of 300 Greene Avenue on June 4, 2022
8. **Resolution 145-2022** Accepting the Resignation of Daniela Cordero from the Court Office Effective May 13, 2022 and Authorizing the Treasurer to Pay Her Full Allowance of \$479.13 in Accordance with the Personnel Policy
9. **Resolution 146-2022** Hiring Juan F. Rivera Ibarra and Samaad J. Rawlins as Permanent Part Time Employee Within the Sanitation Department Effective May 9, 2022
10. **Resolution 147-2022** Approving an Agreement between the Borough of Middlesex and Mega Bite! Events for the Middlesex Boro Food Truck Festival to be Held on October 8, 2022
11. **Resolution 148-2022** Rehiring of Kenneth Pine of Piscataway, NJ Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as a Laborer in the Department of Public Works
12. **Resolution 149-2022** Authorizing the Mayor and Borough Clerk to Execute a Shared Service Agreement Between the Borough of Middlesex and the Township of Piscataway for the Shared Services of the Court Administrator
13. **Resolution 150-2022** Requesting Permission for the Dedication By Rider for Older Americans Act
14. **Resolution 151-2022** Requesting Permission for the Dedication by Rider for Police Community Education
15. **Resolution 152-2022** Authorizing the Cancellation of a Special Emergency Appropriation in the Amount of \$129,026.75

16. **Resolution 153-2022** Approval of the Shared Services Agreement for Radio Dispatching Services with the County of Somerset

XVI. 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 154-2022** Pay All Claims

XVII. AGENDA WORKSHOP ITEM

XVIII. 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.

XIX. EXECUTIVE SESSION

1. **Resolution 155-2022** Executive Session

PBA Contract

Potential Litigation - Lincoln Statue

XX. ADJOURNMENT

1. The next Regular Meeting will be May 24, 2022

PROCLAMATION

National Police Week - May 11 - 17, 2022

WHEREAS, Congress and the President of the United States have designated May 15, 2022 as “**Peace Officers’ Memorial Day**” and the week in which it falls as “**National Police Week**”; and

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Middlesex Borough Police Department; and

WHEREAS, the members of our law enforcement agency of Middlesex Borough play an essential role in safeguarding the rights and freedoms of our citizens, merchants and visitors; and

WHEREAS, it is important for all citizens to know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting against violence and disorder, and by protecting the innocent against deception and the weak against oppression and exploitation; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund’s 34th Annual Candlelight Vigil on the evening of May 13, 2022;

NOW, THEREFORE, I, John L. Madden, Mayor of the Borough of Middlesex, call upon our citizens and all patriotic, civic, and educational organizations to observe the week of May 11-17, 2022 as **NATIONAL POLICE WEEK** recognizing all law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

I further call upon all citizens to observe May 15, 2022 as “**Peace Officers’ Memorial Day**” to honor our law enforcement officers who have made the ultimate sacrifice in service to their community or have been disabled in the performance of their duties, and let us recognize and pay respect to the survivors of our fallen heroes.

DATED: May 10, 2022

Linda Chismar, RMC

Mayor John L. Madden

PROCLAMATION

Older Americans Month 2022

WHEREAS, Borough of Middlesex includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

WHEREAS, the Office of Aging recognizes our need to create a community that provides the services and supports older Americans' need to thrive and live independently for as long as possible; and

WHEREAS, the Office of Aging can work to build an even better community for our older residents by:

- Planning programs that encourage independence.
- Offering activities that are responsive to individual needs and preferences.
- Providing access to services that support aging in place.

NOW, THEREFORE, I, John Madden, Mayor of the Borough of Middlesex, do hereby proclaim May 2022 to be Older Americans Month. I urge every resident to recognize the contributions of our older citizens, help to create an inclusive society, and join efforts to support older Americans' choices about how they age in their communities.

DATED: May 10, 2022

Linda Chismar, RMC

Mayor John L. Madden

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

Resolution #137-2022

ADOPTION OF THE 2022 MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$13,334,453.56	for Municipal Purposes
\$ 634,457.63	Minimum Library Tax

Current Fund:

SUMMARY OF REVENUES

Surplus Anticipated	\$1,600,000.00
Miscellaneous Revenues Anticipated	\$5,412,755.72
Receipts from Delinquent Taxes	\$500,000.00
Amount to be Raised by Taxation	
for Municipal Purposes	\$13,334,453.56
Amount to be Raised by Taxation	
Minimum Library Tax	\$634,457.63
Total Revenues	\$21,481,666.91

SUMMARY OF APPROPRIATIONS

General Appropriations within "CAPS"	
Operations Including Contingent	\$13,190,525.00
Deferred Charges & Statutory	\$1,972,000.00
Expenditures	
General Appropriations Excluded from "CAPS"	
Operations	\$3,211,795.35
Capital Improvements	\$200,000.00
Municipal Debt Service	\$2,085,866.56
Deferred Charges - Municipal	\$26,480.00
Judgements	\$20,000.00
Reserve for Uncollected	\$775,000.00
Taxes	

Total Appropriations	\$21,481,666.91
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Swim Pool Utility:

SUMMARY OF REVENUES

Surplus Anticipated	\$61,528.00
Rents (Memberships)	\$300,000.00
Miscellaneous	\$113,000.00

Total Revenues	\$474,528.00
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SUMMARY OF APPROPRIATIONS

Operations	\$380,000.00
Debt Service	\$78,528.00
Statutory Expenses	\$16,000.00

Total Appropriations	\$474,528.00
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It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 10th day of May 2022. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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 May 10, 2022.

ORDINANCE #2059-22

AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

TITLE	SALARY	RANGE
Full Time Employees		
Chief of Police	\$160,000	\$195,000
Borough Administrator	\$100,000	\$150,000
Borough Clerk	\$65,000	\$100,000
Deputy Borough Clerk	\$40,000	\$65,000
Administrative Clerk/Purchasing Agent	\$45,000	\$65,000
Chief Financial Officer	\$85,000	\$110,000
Treasurer	\$60,000	\$85,000
Tax Collector	\$50,000	\$75,000
Finance/Tax Clerk	\$40,000	\$55,000
Human Resources/Payroll Clerk	\$45,000	\$60,000
DPW Superintendent	\$90,000	\$120,000
Recreation/Office on Aging Director	\$60,000	\$85,000
Recreation Manager	\$40,000	\$55,000
Court Administrator	\$60,000	\$75,000
Court Deputy Administrator	\$47,000	\$60,000
Court Violations Clerk	\$37,000	\$47,000
Certified Technical Assistant	\$45,000	\$65,000
Senior Administrative Assistant	\$42,000	\$55,000
Administrative Assistant	\$32,000	\$45,000
Records Clerk	\$34,000	\$50,000
Part Time Employees		
Assistant Recreation Director	\$11,000	\$14,000
Recreation Committee Secretary	\$1,200	\$2,000
Tax Assessor	\$20,000	\$40,000
Code Enforcer/Zoning Official	\$30,000	\$65,000
Construction Official	\$10,000	\$15,000
Electrical Sub-Code Official	\$11,500	\$17,000
Building Sub-Code Official	\$20,000	\$25,000
Resale Certificate Inspector	\$2,500	\$7,500
Plumbing Sub-Code Official	\$10,000	\$25,000
Fire Sub-Code Official	\$10,000	\$15,000
Planning/Zoning Clerk (per meeting)	\$200	\$400
Shade Tree Secretary	\$2,350	\$3,000
Juvenile Conference Committee Secretary	\$1,500	\$2,500
Municipal Magistrate	\$35,000	\$50,000
Hourly Employees	Per Hour	Per Hour

Administrative Clerk	\$14.00	\$20.00
Construction/Code Inspectors	\$13.00	\$16.00
DPW Laborer	\$14.00	\$20.00
Meals on Wheels Driver	\$14.00	\$20.00
Medical Transportation Driver	\$14.00	\$20.00
Senior Transportation Driver	\$14.00	\$20.00
Pre-School Program Coordinator	\$14.00	\$20.00
Pre-School Program Instructor	\$13.00	\$18.00
Playground Coordinator (Seasonal)	\$14.00	\$20.00
Playground Site Supervisor (Seasonal)	\$12.50	\$18.00
Playground Counselor (Seasonal)	\$12.00	\$16.00
Police Matrons	\$15.00	\$20.00
Crossing Guards	\$14.00	\$20.00
Custodian	\$15.00	\$20.00

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 May 10, 2022.

INTRODUCED: May 10, 2022

DATE OF PUBLICATION:
OF INTRODUCTION May 13, 2022

ORDINANCE #2057-22

AN ORDINANCE REPEALING SECTION 36-3 ENTITLED “COMMUNITY EMERGENCY RESPONSE TEAM” FROM CHAPTER 36 OF THE CODE OF THE BOROUGH OF MIDDLESEX ENTITLED “EMERGENCY MANAGEMENT”

WHEREAS, N.J.S.A. App.A:9-30 et seq. (“The Civil Defense and Disaster Control Act”) codifies the Federal Emergency Management Agency’s Community Emergency Response Team (“CERT”) program; and

WHEREAS, the Middlesex County Office of Emergency Management has recently assumed responsibility of local CERT programs to support a county-wide system for responding to emergencies; and

WHEREAS, the Borough’s Office of Emergency Management Coordinator has recommended that the Borough’s current CERT program be eliminated in order to serve the local community through the County’s program; and

WHEREAS, to effectuate this purpose, Chapter 36, Section 36-3 must be eliminated from the Borough’s code.

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

Section I

Section 36-3 entitled “Community Emergency Response Team” under Chapter 36 of the Code of the Borough of Middlesex entitled “Emergency Management” is hereby repealed and deleted.

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.

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 May 10, 2022.

INTRODUCED: 04/26/2022

DATE OF PUBLICATION:
OF INTRODUCTION April 29, 2022

ORDINANCE #2058-22

AN ORDINANCE AMENDING SECTION 80-75 ENTITLED “ADMINISTRATIVE FEE FOR USE OF POLICE OFFICERS AND/OR VEHICLES ON EXTRA-DUTY JOBS” WITHIN CHAPTER 80 OF THE CODE OF THE BOROUGH OF MIDDLESEX ENTITLED “POLICE DEPARTMENT”

WHEREAS, The Middlesex Borough Police Department charges administrative fees when providing off-duty police officers and/or police vehicles for police extra-duty jobs to assist contractors or other persons or companies in need of such services; and

WHEREAS, public utilities companies requesting these services pay any applicable municipal administrative fee when authorized by local ordinance, however are not obligated to pay for certain costs identified as vendor fees; and

WHEREAS, it is the Borough of Middlesex’s desire to amend Section 80-75 of Chapter 80 of the Borough Code to permit the vendor fee to be passed through to the entity requesting the off-duty police traffic control services.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, Middlesex County, New Jersey as follows (additions are written thusly and deletions are written ~~thusly~~):

Section I

§ 80-75 Administrative fee for use of police officers and/or vehicles on extra-duty jobs.

A. The Middlesex Borough Police Department shall charge a fee as provided hereunder when providing off-duty police officers and/or police vehicles for police extra-duty jobs to assist contractors or other persons or companies in need of such services. This section shall not apply to work done by nonprofit religious and/or charitable organizations or to the Middlesex Fire Department, Rescue Squad or the Middlesex Board of Education, and there shall be no charge imposed on these organizations.

b. The charge for use of off-duty police officers to provide this type of service is \$80 per hour for road jobs. All other extra-duty jobs shall be charged at the police officer's regular time and 1/2 (1.5) rate. **Third party vendor costs shall be passed through to the entity requesting off-duty police traffic control services.** There shall be a four-hour minimum charge for all extra-duty road jobs hereunder. Cancellations must be received by the Middlesex Borough Police Department not less than two hours prior to the scheduled start of any extra-duty job. Failure to cancel at least two hours prior to the scheduled start of any extra-duty job shall result in a four-hour minimum charge hereunder.

c. of compensation for usage of a Department vehicle shall be \$15 per hour, except that if the Borough is paying for any road improvement job, such fee shall be waived.

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.

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 May 10, 2022.

INTRODUCED: April 26, 2022

DATE OF PUBLICATION:
OF INTRODUCTION April 29, 2022

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

Resolution #138-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Approval for Engine 21 to go to Bridgewater Manor on July 22, 2022 for an active Fireman's Wedding for Pictures
2. Approval of April, 2022 Tax Totals

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 May 10, 2022.

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

Resolution #139-2022

APPROVAL TO THE REPAIR OF GUIDE RAILS AT WARRENVILLE ROAD AND WEST 2ND STREET IN THE AMOUNT OF \$14,800

WHEREAS, the Governing Body desires to repair guide rails at Warrenville Road and West 2nd Street; and

WHEREAS, the cost for the installation of the guide rail repair is \$14,800; and

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

1. The Governing Body approves the repair to the guide rails at Warrenville Road and West 2nd Street in an amount not to exceed \$14,800.
2. This resolution shall take place immediately.

NOW FURTHER BE IT RESOLVED that the Acting CFO certifies that funds in the amount of \$14,800 are available in Account No. C-04-19-979-000-093.

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 May 10, 2022.

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

Resolution #140-2022

**APPOINTING JOE COSTA TO SERVE AS FUND COMMISSIONER TO THE
CENTRAL JERSEY JOINT INSURANCE FUND FOR 2022**

WHEREAS: Public Law 1983, c.372 (N.J.S.A. 40A:10-36 *et seq*) permits municipalities to join together to form a joint insurance fund; and

WHEREAS, the Central Jersey Joint Insurance Fund is duly constituted as a Municipal Self-Insurance Fund; and

WHEREAS, the Borough of Middlesex is a member of the Central Jersey Joint Insurance Fund; and

WHEREAS, the NJSA 40A:10-36 *et seq* as well as the Bylaws of the Central Jersey Joint Insurance Fund provide that "in the manner generally prescribed by law, each member shall appoint one (1) commissioner to the Fund. Each member shall select either a member of its governing body or one of its employees and,

WHEREAS the term of the appointment is either:

1. A commissioner, other than the special commissioner, who is a member of the appointing municipality's governing body shall hold office for two years or for the remainder of his/her term of office as a member of the governing body, whichever shall be less.
2. Commissioners who are employees of the appointing member shall hold office at the pleasure of the Borough and can be removed by the Borough at any time without cause.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Middlesex does hereby appoint Joe Costa to serve as Fund Commissioner to the Central Jersey Joint Insurance Fund.

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 May 10, 2022.

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

Resolution #141-2022

A RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO AMEND THE BUDGET CAP LAW TO APPROPRIATE FUNDS FOR INCREASING INSURANCE COSTS

WHEREAS, pursuant to N.J.S.A. 40A:4-45, et al, a municipality is required to limit any increase in its levy to 2.0% and any increase in appropriations to 2 1/2% or the cost-of-living adjustment, whatever is less, over the prior year's final appropriations subject to certain exceptions; and

WHEREAS, all local public entities, including participating municipalities in the Municipal Excess Liability Joint Insurance Fund (MEL), has incurred an estimated \$50 million in COVID related worker's compensation claims and it is anticipated that these costs will continue to increase as a result of long-term COVID cases; and

WHEREAS, a 2021 New Jersey Department of Labor decision regarding worker's compensation funding has generated increased costs to the members of the MEL by over 10% in order to cover claims that were previously funded by the State pension system; and

WHEREAS, a recent amendment to the sexual molestation statute of limitations will increase total liability costs for members of the MEL system by an estimated amount of 6% in 2023; and

WHEREAS, the frequency of weather-related catastrophic claims and corresponding impacts are anticipated to increase property insurance costs by over 10% per year; and

WHEREAS, cyber liability events throughout the country have resulted in twice the amount of premium costs in 2022 and such costs are expected to accelerate at a pace far greater than the rate of inflation; and

WHEREAS, these increasing costs, regulations, policy decisions and environmental impacts are occurring when many other items and costs in municipal budgets are also increasing at an inflationary rate; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Middlesex that N.J.S.A. 40A:4-45 be amended to provide that appropriations in the first three years after the effective date of (this amendment) for liability insurance, worker's compensation insurance, cyber insurance, and property insurance be exempt from the Appropriation CAP and the Levy CAP.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey Legislative representative for the Borough of Middlesex.

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 May 10, 2022.

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

Resolution #142-2022

**RENEWAL OF JUNKYARD LICENSES FOR 2022/2023 (EXPIRING 5/31/2023) FOR
THE BOROUGH OF MIDDLESEX**

The application for renewal of Junkyard License filed by Falgi Carting LLC, has been approved by the Police Department, Fire Official, Zoning Officer, Tax Collector and Board of Health. The Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid. This Licenses will expire on May 31, 2023.

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 May 10, 2022.

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

Resolution #143-2022

APPROVAL OF THE 2021 RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2021 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Middlesex to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Borough of Middlesex hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates David Sliker to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 May 10, 2022.

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

Resolution #144-2022

**APPROVING A BLOCK PARTY TO THE RESIDENTS OF 300 GREENE AVENUE ON
JUNE 4, 2022**

WHEREAS, the residents of 300 Greene Avenue have requested to have a block party on Delaware Avenue between Greene Avenue and Melrose Avenue on June 4, 2022 between the hours of 10 a.m. and 10 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 residents of 300 Greene Avenue to conduct a block party on Delaware Avenue between Greene Avenue and Melrose Avenue on June 4, 2022 between the hours of 10 a.m. and 10 p.m.; and
2. This resolution shall take effect immediately.

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 May 10, 2022.

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

Resolution #145-2022

ACCEPTING THE RESIGNATION OF DANIELA CORDERO FROM THE COURT OFFICE EFFECTIVE MAY 13, 2022 AND AUTHORIZING THE TREASURER TO PAY HER FULL ALLOWANCE OF \$479.13 IN ACCORDANCE WITH THE PERSONNEL POLICY

The Mayor and Council hereby accept Daniela Cordero's resignation effective May 13, 2022 and authorize the Treasurer to pay the full allowance of \$479.13 in accordance with the personnel policy in the next regular Borough payroll of May 20, 2022. The benefits include the following:

2.9 Days Vacation Time	\$ 479.13
TOTAL	\$ 479.13

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 May 10, 2022.

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

Resolution #146-2022

**HIRING JUAN F. RIVERA IBARRA AND SAMAAD J. RAWLINS AS PERMANENT
PART TIME EMPLOYEE WITHIN THE SANITATION DEPARTMENT EFFECTIVE
MAY 9, 2022**

The governing body hereby hires Juan F. Rivera Ibarra, Piscataway, NJ and Samaad J. Rawlins, Middlesex, NJ as permanent part time employees in the Sanitation Department effective May 9, 2022 at \$14.00 per hour, 28 hours per week, pending a satisfactory physical and background check.

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 May 10, 2022.

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

Resolution #147-2022

**APPROVING AN AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND
MEGA BITE! EVENTS FOR THE MIDDLESEX BORO FOOD TRUCK FESTIVAL TO
BE HELD ON OCTOBER 8, 2022**

The Governing Body hereby authorize the Mayor to execute the Agreement between Middlesex Borough and MegaBite! Events for the Middlesex Fall Food Truck Festival to be held on October 8, 2022.

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 May 10, 2022.

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

Resolution #148-2022

REHIRING OF KENNETH PINE OF PISCATAWAY, NJ UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 (USERRA) AS A LABORER IN THE DEPARTMENT OF PUBLIC WORKS

The Governing Body hereby approves the rehiring of Kenneth Pine of Piscataway, NJ under The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as a laborer in the Department of Public Works for 40 hours per week at \$37.88 per hour as of June 1, 2022, pending a satisfactory physical and background check.

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 May 10, 2022.

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

Resolution #149-2022

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND THE TOWNSHIP OF PISCATAWAY FOR THE SHARED SERVICES OF THE COURT ADMINISTRATOR

WHEREAS, N.J.S.A. 2B:12-1, permits two or more municipalities, by ordinance or resolution, to agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts without establishing a joint municipal court.

WHEREAS, the Borough of Middlesex desires to share the services with the Court Administrator from Piscataway Township, Vanessa Colon, to provide the duties and functions of a Court Administrator part-time, effective only for the duration of the maternity leave of the current Court Administrator of the Borough of Middlesex.

WHEREAS, the functions and duties include but are not limited to overseeing staff inquires, monitoring daily, weekly, monthly reports, email correspondence between the Borough and monthly bank reconciliations.

WHEREAS, the Township of Piscataway allows the agreement between the Borough of Middlesex and the two Municipal Courts, only for the length of time determined. (estimated 18 weeks or less)

WHEREAS, the Borough of Middlesex will pay the hourly base rate of Vanessa Colon, for the services of 10 hours or less per week plus fringe benefits for the length of time determined.

WHEREAS, the Borough of Middlesex conducts virtual court sessions every Monday (unless a holiday), which can be conducted and supervised from Piscataway and not required to be physically present in the Borough of Middlesex.

WHEREAS, if any In-Person Trials are to be scheduled, the Judge can be amendable to the current situation and postpone until after the return of the Court Administrator.

WHEREAS, the final service agreement is submitted to the Assignment Judge of the Superior Court of New Jersey, Middlesex Vicinage for approval, as required by law.

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 May 10, 2022.

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

Resolution #150-2022

REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR OLDER AMERICANS ACT

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, LFN AU-98-5 provides for receipt of funds from senior residents to provide for the operating costs for various senior activities; and

WHEREAS, NJSA 40A:4-39 provides the dedicated revenues anticipated from the Older Americans Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of Local Government Services to pay expenditures of the Older Americans Trust LFN AU-98-5.
2. The Clerk of the Borough of Middlesex, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

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 May 10, 2022.

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

Resolution #151-2022

**REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR POLICE
COMMUNITY EDUCATION**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides the dedicated revenues anticipated from monies collected for Police education programs for youth services are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of Local Government Services to pay expenditures, related to education programs for youth services, from the Police Community Education Fund.
2. The Clerk of the Borough of Middlesex, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

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 May 10, 2022.

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

Resolution #152-2022

**AUTHORIZING THE CANCELLATION OF A SPECIAL EMERGENCY
APPROPRIATION IN THE AMOUNT OF \$129,026.75**

WHEREAS, the Borough of Middlesex, in the County of Middlesex that the Borough adopted Resolution #183-2021 on June 15, 2021 appropriating \$129,026.75 revenue loss in the Swim Pool Utility directly attributable to COVID-19;

WHEREAS, the Borough did not require the financial assistance to offset the revenue loss attributable to COVID-19;

WHEREAS, the Special Emergency Appropriation in the amount of \$129,026.75 be cancelled as of December 31, 2021.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex does hereby cancel the Special Emergency Appropriation in the amount of \$129,026.75 as of December 31, 2021. That a copy of this resolution be sent to the Director of the Division of Local Government Services.

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 May 10, 2022.

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

Resolution #153-2022

**APPROVAL OF THE SHARED SERVICES AGREEMENT FOR RADIO
DISPATCHING SERVICES WITH THE COUNTY OF SOMERSET**

WHEREAS, the Borough of Middlesex has a need for radio dispatching services and the County of Somerset has the ability to make the services available; and

WHEREAS, the Borough of Middlesex and the County of Somerset have acknowledged and agreed to be bound by the Shared Services Agreement for Radio Dispatching Services effective April 1, 2022 for a period of five years until March 31, 2027.

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

1. The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Shared Services Agreement for Radio Dispatching Services with the County of Somerset effective April 1, 2022 - March 31, 2027.
2. This resolution shall take effect immediately.

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 May 10, 2022.

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

Resolution #154-2022

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.

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 May 10, 2022.

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

Resolution #155-2022

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 including Potential Litigation - Lincoln Statue & PBA Contract; 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 May 10, 2022.