



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, August 23, 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 Michael Conahan
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Councilman Jeremiah Carnes -- **Absent**

Also Present:

Christopher Corsini Borough Attorney

Others Absent:

Joe Costa Interim Administrator

Mayor Madden made a motion to add the appointment of Hardik Shah to the Cultural Arts & Heritage Committee and also add Resolution 253-2022 Executive Session to the Agenda seconded by Council President Eodice and carried by a unanimous vote of members present.

PRESENTATIONS

APPOINTMENTS

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 224-2022

**PROMOTING ACTING SERGEANT JAMES DOLINSKI TO THE RANK OF SERGEANT
EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$130,831**

WHEREAS, Acting Sergeant James Dolinski has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Acting Sergeant James Dolinski be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Acting Sergeant James Dolinski be promoted to the rank of Sergeant effective immediately at an annual salary of \$130,831.00.

Mayor Madden read the following highlights for Sergeant Dolinski who was sworn in on August 16, 2022.

James Dolinski graduated from Rutgers University in December, 2008 with a Bachelor of Science Degree in Criminal Justice. He was appointed to the Police Department on October 24, 2011. Upon completion of his basic training he was assigned to the Patrol Division.

Sergeant Dolinski serves as a Departmental Firearms Instructor and Armorer, Taser Instructor, Use of Force and Active Shooter Response Instructor, and Field Training Officer; providing instruction and orientation for newly-hired police officers. Sergeant Dolinski oversees all firearms training, serving in the capacity of Range Master.

In December of 2017, Sergeant Dolinski was assigned to the Middlesex County Special Operations Response Team and has received significant specialized training and experience during his time in that assignment.

Throughout his 10 years of service in Middlesex, Sergeant Dolinski has been recognized with numerous awards and commendations, including an Honorable Service Medal, a Meritorious Service Medal, six Life Saving Resuscitation Awards, two Unit Citation Awards, and two Certificates of Commendation.

As a result of his promotion Sergeant Dolinski will be assigned as a Patrol Division Supervisor.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 225-2022

**PROMOTING ACTING SERGEANT SEAN FLANAGAN TO THE RANK OF SERGEANT
EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$130,831**

WHEREAS, Acting Sergeant Sean Flanagan has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Acting Sergeant Sean Flanagan be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Acting Sergeant Sean Flanagan be promoted to the rank of Sergeant effective immediately at an annual salary of \$130,831.00.

Mayor Madden read the following highlights for Sergeant Flanagan prior to him being sworn in.

Sean Flanagan graduated from The College of New Jersey in May 2010 with a Bachelor of Arts Degree in Journalism and Professional Writing. He was appointed to the Police Department on July 10, 2013. Upon completion of his basic training he was assigned to the Patrol Division.

Sergeant Flanagan served as both our primary and alternate Evidence Custodian. Sergeant Flanagan was assigned to the Detective Bureau between March 2016 and September 2021. During that time, he conducted criminal investigations as well as firearm and employment background investigations. Sergeant Flanagan oversaw Megan's Law Registry, ABC inspections, and buildings and grounds functions. Sergeant Flanagan serves as a social media coordinator and assistant Public Information Officer. Sergeant Flanagan is a Resiliency Program Officer and trainer, as well as a Nasal Narcan Instructor. Sergeant Flanagan was appointed as an Acting Sergeant in September 2021 and served as a patrol supervisor.

Throughout his 9 years of service in Middlesex, Sergeant Flanagan has been recognized with numerous awards and commendations, including an Honorable Service Medal, two Life Saving Resuscitation Awards, three Unit Citation Awards, two Certificates of Commendation, and three Perfect Attendance Commendations.

As a result of his promotion Sergeant Flanagan will be assigned as a Patrol Division Supervisor.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 226-2022

**PROMOTING ACTING SERGEANT JOLEEN AURICCHIO TO THE RANK OF
SERGEANT EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$130,831**

WHEREAS, Acting Sergeant Joleen Auricchio has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Acting Sergeant Joleen Auricchio be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Acting Sergeant Joleen Auricchio be promoted to the rank of

Sergeant effective immediately at an annual salary of \$130,831.00.

Mayor Madden read the following highlights for Sergeant Auricchio prior to her being sworn in.

Joleen Auricchio graduated from Wagner College in May 2005 with a Bachelor of Arts Degree in Sociology. She was appointed to the Police Department on October July 7, 2008. Upon completion of her basic training she was assigned to the Patrol Division.

Sergeant Auricchio serves as the Departmental Community Policing Coordinator, overseeing and facilitating events including National Night Out, Coffee with a Cop, Youth Academy and the Fishing Derby. Sergeant Auricchio served as a Field Training Officer and School Resource Officer. Sergeant Auricchio was appointed as an Acting Sergeant in August 2021 and served as a patrol supervisor.

Throughout her 14 years of service in Middlesex, Sergeant Auricchio has been recognized with numerous awards and commendations, including an Honorable Service Medal, two Meritorious Service Awards, an Exceptional Service Award, the Chief's Achievement Award, two Life Saving Resuscitation Awards, a Unit Citation Award, and a Certificate of Commendation.

As a result of her promotion, Sergeant Auricchio will be assigned as a Patrol Division Supervisor.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 227-2022

**PROMOTING POLICE OFFICER GEORGE PILESKY TO THE RANK OF SERGEANT
EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$130,831**

WHEREAS, Police Officer George Pilesky has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Police Officer George Pilesky be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Police Officer George Pilesky be promoted to the rank of Sergeant effective immediately at an annual salary of \$130,831.00.

Mayor Madden read the following highlights for Sergeant Pilesky prior to him being sworn in.

George Pilesky graduated from Rutgers University in January 2009 with a Bachelor of Arts Degree in Criminal Justice. He was appointed to the Police Department in August 2013. Upon completion of his basic training he was assigned to the Patrol Division.

Sergeant Pilesky serves as a Departmental Humane law Enforcement Officer responsible for all animal welfare and cruelty investigations. Sergeant Pilesky is an instructor in Field Force Operations and is a

member of the Middlesex County Rapid Deployment Team. Sergeant Pilesky serves as the departmental Terminal Agency Coordinator, Oleoresin Instructor, Nasal Narcan Instructor; providing instruction and orientation for newly hired police officers.

Throughout his 9 years of service in Middlesex, Sergeant Pilesky has been recognized with numerous awards and commendations, including, a Meritorious Service Award, two Life Saving Resuscitation Awards, two Unit Citation Awards, and two Certificates of Commendation and Perfect Attendance Award.

As a result of his promotion, Sergeant Pilesky will be assigned as a Patrol Division Supervisor.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 228-2022

PROMOTING DETECTIVE DANIEL MCCUE TO THE RANK OF SERGEANT EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$130,831

WHEREAS, Detective Daniel McCue has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Detective Daniel McCue be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Detective Daniel McCue be promoted to the rank of Sergeant effective immediately at an annual salary of \$130,831.00.

Mayor Madden read the following highlights for Sergeant McCue prior to him being sworn in.

Daniel McCue graduated from Saint Joseph's University in June 2012 with a Master of Science Degree in Criminal Justice. He was appointed to the Police Department on November 20, 2012. Upon completion of his basic training he was assigned to the Patrol Division.

Sergeant McCue serves as an alternate Evidence Custodian and has overseen or Records and Services division clerks. Sergeant McCue has been assigned to the Detective Bureau since December 2016 and conducts criminal investigations as well as firearm and employment background investigations. Sergeant McCue oversees the Opiate Outreach Program, Megan's Law Registry, ABC inspection, and serves as a social media coordinator.

Throughout his 10 years of service in Middlesex, Sergeant McCue has been recognized with numerous awards and commendations, including four Unit Citation Awards for significant investigations he was part of solving, and three Certificates of Commendation.

As a result of his promotion, Sergeant McCue will be assigned as a Detective Bureau Supervisor.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 229-2022

**PROMOTING ACTING SERGEANT MARK MELCHIORRE TO THE RANK OF
SERGEANT EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$130,831**

WHEREAS, Acting Sergeant Mark Melchiorre has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Acting Sergeant Mark Melchiorre be promoted to the rank of Sergeant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, New Jersey, that Acting Sergeant Mark Melchiorre be promoted to the rank of Sergeant effective immediately at an annual salary of \$130,831.00.

Mayor Madden read the following highlights for Sergeant Melchiorre prior to him being sworn in.

Mark Melchiorre graduated from Kean University in August 1996 with a Bachelor of Arts Degree in Psychology. He was appointed to the Police Department in January 2004. Upon completion of his basic training he was assigned to the Patrol Division.

Sergeant Melchiorre serves as a Departmental Radar Instructor and was assigned to the Traffic Division from May 2018 through September 2021. Sergeant Melchiorre received special training in Advanced Crash Investigation and serves on the departmental Fatal/Serious Crash Investigation Team. Sergeant Melchiorre oversees our Crossing Guard program, and manages tow ordinance compliance.

Throughout his 18 years of service in Middlesex, Sergeant Melchiorre has been recognized with numerous awards and commendations, including a Meritorious Service Award, two Life Saving Resuscitation Awards, three Unit Citation Awards, and four Certificates of Commendation.

As a result of his promotion, Sergeant Melchiorre will be assigned as a Staff Sergeant and Traffic Safety Officer supporting the Patrol Division.

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

7. Appointing Robert Sherr as Alternate I to the Board of Health

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

8. Appointment of Hardik Shah to the Cultural and Heritage Committee

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2064-22 by title:

ORDINANCE 2064-22

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 40, FIRE DEPARTMENT, SECTION 40-2 RULES AND REGULATIONS, AND
SECTION 40-3 MEMBERS**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

SECTION I

Section 40-2(A) shall be amended to read as follows (strikethrough text shall be deleted;
bold and underlined text shall be inserted):

§ 40-2 Rules and Regulations <<http://ecode360.com/10336906>>

- A. The Fire Department may adopt such rules and regulations as may be deemed advisable concerning the assignment of the Deputy and Assistant Chiefs, Captains and other members of the Department and concerning the conduct of members of the Department on or about any station house, or while engaged in the service of the Department. The Borough's Rules and Regulations will prevail if or when there is a conflict between the two.

SECTION II

§ 40-3 <<http://ecode360.com/10336906>> Members

The Department shall be organized with one Chief, one ~~First Assistant~~ **Deputy** Chief, one ~~Second~~ Assistant Chief and a Board of Fire Officers. Qualifications of these officers, their duties and the method of their election shall be governed by the rules and regulations of the Department.

This ordinance shall take effect upon final adoption and publication as required by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/13/2022 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Conahan, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2065-22 by title:

ORDINANCE 2065-22

AN ORDINANCE AMENDING AND RENAMING CHAPTER 93 IN THE CODE OF THE BOROUGH OF MIDDLESEX SO AS TO CREATE SEPARATE COMMITTEES FOR RECREATION AND PARKS IMPROVEMENT IN THE BOROUGH

WHEREAS, the Borough currently has a committee, created via ordinance, that governs parks and recreation within the Borough; and

WHEREAS, the committee is governed entirely by Chapter 93 in the Borough's Code of ordinances; and

WHEREAS, the committee currently in place provides for a number of recreational goals of the Borough but does not adequately address park maintenance and improvement; and

WHEREAS, the administration of the Borough has looked favorably at establishing separate committees governing recreation and park maintenance and improvement; and

WHEREAS, such committees have been looked at favorably by the Borough Attorney as an alternative to the structure currently in place;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that Chapter 93 of the code of the Borough of Middlesex is hereby amended as follows:

SECTION I.

The Title of Chapter 93 is hereby revised to be named "Recreation and Parks Improvement Committees."

SECTION II.

Section 93-1 entitled "Establishment" is hereby amended as follows (struck through portions

to be removed, bolded and underlined portions to be added):

There is hereby established in the Borough of Middlesex a Recreation Committee, **and a separate Parks Improvement Committee** which shall have the duties and powers hereinafter more particularly set forth, and the members of which shall be appointed by the Mayor with the advice and consent of Council in accordance with the provisions of this chapter.

SECTION III.

Section 93-2 entitled "Membership; terms; council representative; filling of vacancies" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. The Recreation Committee shall be composed of seven members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. **The Parks Improvement Committee shall be comprised of nine members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. There shall be one representative Council member on each Committee.** Such members and alternate members **for the Recreation Committee** shall be appointed by the Mayor **with the advice and consent of the Council** to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner; two members for initial one-year terms; two members for initial two-year terms; three members for initial three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term. **Such members and alternate members for the Parks Improvement Committee shall be appointed by the Mayor with the advice and consent of the Council to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner; three members for initial one-year terms; three members for initial two-year terms; three members for initial three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term.** After the conclusion of the initial terms as herein provided, all terms shall be for three years. The Mayor **with the advice and consent of the Council** shall designate the alternate members as "Alternate No. 1", and Alternate No. 2." At meetings of ~~the Recreation~~ **each** Committee, alternate members shall be permitted to participate in discussion of the proceedings, but shall not be permitted to vote except in the absence or disqualification of one or more regular members, in which event alternate members shall be permitted to vote in lieu of such absent or disqualified regular members in the order of numerical designation of such members.
- B. In addition to the aforementioned members, the Mayor **with the advice and consent of the Council** shall appoint a member of the Borough Council to serve as a representative to ~~the Recreation~~ **each** Committee each year, who shall be permitted to participate in discussions of the proceedings of the **requisite** Committee, but who shall not be permitted to vote. Such members of the Borough Council shall serve a one-year term. **The Mayor may appoint the same Council member as a representative to each committee.**

- C. All appointments shall expire on December 31. Initial appointments, as above provided, shall be made for the balance of the one-, two- or three-year term designated, ending on December 31 of the applicable year.
- D. Vacancies shall be filled by the Mayor for the unexpired term only. The members shall serve until their respective successors are appointed, found qualified, and take office.

SECTION IV.

Section 93-3 is hereby revised to be named "Relation to Borough Committee; appropriations; insurance for Committees."

SECTION V.

Section 93-3 is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. The Borough Council shall cooperate with the Recreation Committee to coordinate and provide equipment for recreational activities, as well as to coordinate the ~~development,~~ **day-to-day** operation and maintenance of parks, public places, playgrounds, and recreational areas, in the Borough of Middlesex, in order to provide for the maximum benefit ~~and planned development~~ for the residents of the Borough of Middlesex.
- B. The Borough Council may, from time to time, by resolution, place activities, parks, public places, playgrounds and recreational areas under the jurisdiction of the Recreation Committee for ~~the development,~~ operation or maintenance thereof, or for such purposes as may be specified in any such resolution. **The Borough may from time to time, by resolution, place parks, playgrounds, and recreational areas under the jurisdiction of the Parks Improvement Committee for development or for such future use or purposes as may be specified in any such resolution.** The Borough shall continue to be responsible for the ~~development,~~ care, custody and policing of any such parks, public places, playgrounds and recreational areas, which, from time to time, may be placed under the jurisdiction of ~~either~~ the Recreation Committee **or the Parks Improvement Committee,** unless such responsibilities or any others shall be specifically assigned in any such resolution.
- C. **Neither** ~~t~~The Recreation Committee **nor the Parks Improvement Committee** herein established shall ~~not~~ be deemed to be a park or recreation commission pursuant to N.J.S.A. 40:12-1 et seq., but such ~~Recreation Committees~~ shall have only those powers and duties as may be set forth herein or as may be more particularly provided by resolution of the Borough Council.
- D. There shall be no appropriation of public funds to the Recreation Committee **or the Parks Improvement Committee,** except as may be provided by the Borough Council for designated purposes consistent with the intent of this chapter. The Recreation Committee **and the Parks Improvement Committee** shall recommend

to the Borough Council proposals, from time to time, as may be consistent herewith.

- E. The Borough shall obtain liability insurance coverage covering the approved activities under the jurisdiction of the Recreation Committee and the Parks Improvement Committee, the participants in those activities, the Borough of Middlesex and individual members of the Recreation Committee and Parks Improvement Committee.
- F. Neither the Recreation Committee or Parks Improvement Committee, nor any member or members thereof, shall have any power or right, express or implied, to bind or obligate the Borough of Middlesex or the Borough Committee, directly or indirectly.

SECTION VI.

Section 93-4 is hereby revised to be named "Duties of the Recreation Committee."

SECTION VII.

Section 93-4 is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

The primary purpose of the Recreation Committee shall be to:

- A. Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.
- B. Provide recommendations to the Parks Improvement Committee for the orderly development of parks or other public lands in the Borough of Middlesex.
- C. Cooperate with the Middlesex County Department of Recreation in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County Recreation Department.
- D. Suggest improvements to the Parks Improvement Committee needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.
- E. Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.
- F. Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the Recreation Committee and the provisions of this chapter and subject to the limitations contained herein.

SECTION VIII.

A new Code Section number 93-4.1 is hereby established and named "**Duties of the Parks Improvement Committee**" and shall read as follows:

The primary purpose of the Parks Improvement Committee shall be to:

- A. **Research and provide recommendations to the Mayor and Council on future improvements, enhancements, developments, expansions, and uses of the Borough parks and recreation areas. This would include but is not limited to recommending additional recreational areas such as pickle ball courts, walking, biking, nature trails, etc., and also in no way limits the Committee to recommend enhancements and improvements to existing Borough parks and recreation areas.**
- B. **Research and provide recommendations to the Mayor and Council on ways of expanding and increasing park utilization by Borough residents.**
- C. **Work with other Borough Committees on joint beautification efforts for all parks and recreation areas.**
- D. **Research and apply for grants that would enable the Borough to implement approved changes.**
- E. **Conduct donation drives to assist in funding approved changes.**

SECTION IX.

Section 93-5 entitled "Limitations" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

Neither ~~The Recreation Committee~~ **nor Parks Improvement Committee** shall ~~not~~ act in any manner which would cause a forfeiture of any lands of the Borough of Middlesex. The Borough reserves the right to limit the jurisdiction, purposes or programs of the Recreation Committee at any time by resolution of the Borough Council.

SECTION X.

Section 93-6 entitled "Organization; meeting attendance" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. **Both** ~~The Recreation Committee~~ **and the Parks Improvement Committee** may organize as ~~it~~ **either** sees fit, choosing a Chairperson, **Board Secretary**, and such other officers from among its members as it may deem advisable, adopt rules and bylaws for the orderly conduct of meetings, and organize subcommittees for the administration and handling of its programs.
- B. Members shall attend one-half of all public meetings in each calendar year and shall not be absent from three consecutive regularly scheduled meetings. The Committee

shall petition the Borough Council for removal and replacement of any member with attendance below this standard.

SECTION XI.

Section 93-7 is hereby revised to be named "Director of Public Recreation, **Parks Improvement**, and Senior Services."

SECTION XII.

Section 93-7 is hereby amended to read as follows (struck through portions to be removed, bolded and underlined portions to be added):

The Director of Public Recreation, **Parks Improvement**, and Senior Services appointed by the Mayor shall serve as a voting member of **both** the Parks **Improvement** and Recreation Committees.

SECTION XIII.

Section 93-8 entitled "Grievance procedure; appeals" is hereby amended is follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. Any recognized recreational **or parks** group which feels or believes it is aggrieved by any of the actions of the Director of Public Recreation, **Parks Improvement**, and Senior Services shall have the right to appeal any of the Director of Public Recreation, **Parks Improvement**, and Senior Services's actions and/or recommendations in the first instance to the Borough Administrator. Said appeal shall be filed not later than 10 days from the date of any action or recommendation taken by the Director of Public Recreation, **Parks Improvement**, and Senior Services and shall be in writing to the Borough Administrator.
- B. The Borough Administrator shall thereafter set the matter down for a hearing and consider the testimony of witnesses and other evidence to be presented and at the conclusion of which the Borough Administrator shall render a decision as soon as is practicable.
- C. Any party may appeal in the final instance the decision of the Borough Administrator to the Borough Council, within five days of the Borough Administrator's decision in writing to the Borough Clerk.

SECTION XIV.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION XV.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not

be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION XVI.

All Borough of Middlesex ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION XVII.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/13/2022 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Conahan, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2066-22 by title:

ORDINANCE 2066-22

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 317 ENTITLED "PROPERTY MAINTENANCE" SO AS TO PROPERLY BRING REMEDIES WITHIN THE JURISDICTION OF THE CODE ENFORCEMENT OFFICIAL

WHEREAS, the Borough has a property maintenance Chapter in its code governing the safe storage of materials and equipment and the maintenance standards for properties within the Borough; and

WHEREAS, the ordinance currently does not empower the Borough's code enforcement official to property enforce portions of the Borough's code; and

WHEREAS, the administration also desires an ability to, in certain situations prescribed by ordinance, the ability to directly cite an individual in violation of this Chapter without the need to first provide a notice of violation; and

WHEREAS, these changes to the property maintenance code are looked at favorably by the administration and Borough Attorney;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that Chapter 317 entitled "Property Maintenance" is hereby amended as follows:

SECTION I.

Section 317-9 entitled "Definitions" within Article II entitled "Use and Care Standards" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

DETERIORATION

The condition of a structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

ENFORCEMENT OFFICER

Except as defined in § 317-12A, the enforcement officer shall be the ~~Construction Official~~ **Director of Code Enforcement** or his authorized representative. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex, shall be authorized to enforce § 317-1 of this chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

[. . .]

SECTION II.

Section 317-10 is hereby renamed to read "Duties of owners" and amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

~~Owners, operators and occupants~~ shall have all the duties, obligations and responsibilities prescribed in this article, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor may any such person or entity assert as a defense against any charge made under this article that another owner, operator or occupant or any other third person or entity is also responsible therefor and in violation thereof.

SECTION III.

Section 317-12 entitled "Administrative provisions" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. Enforcement officer. It shall be the duty and responsibility of the ~~Construction Official~~ **Director of Code Enforcement** of the Borough to enforce the provisions of this code as herein provided. "~~Construction Official~~, **Director of Code Enforcement**" throughout this article, shall also mean subordinates of the ~~Construction Official~~ **Director of Code Enforcement** and all enforcement officers defined in § 317-9 <<https://ecode360.com/10336084>>.
- B. Coordination of enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the Building Department of the Borough. Wherever in the opinion of

the Construction Official it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done. No order for correction of any violation under this code shall be issued without the approval of the Construction Official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

- C. Inspections. The enforcement officer is authorized to enter upon any land at any reasonable time for the purpose of performing his duty under this code.
- D. Enforcement procedure. **The Director of Code Enforcement, his/her designees, or the Middlesex Borough Police Department, may issue a summons in the municipal court without first issuing a notice of violation for any violation of Sections 317-11(A)(1) to (2). Any such summons will require a mandatory appearance in Middlesex Municipal Court.** Whenever an enforcement officer determines that there is or has been a violation of any **remaining** provision of this article, he shall give notice of such violation to the person, persons or entities responsible therefor under this section. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said persons or entities. Notice shall be given as aforesaid within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted within seven days of the date of service of such notice (exclusive of the date of service), a summons can be issued for such violation. The enforcement officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid seven days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the seven-day period. In the event the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said seven-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons can be issued against the person, persons, entity or entities so notified.

[. . .]

SECTION IV.

Section 317-14 entitled "Noncompliance; charge to become lien" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

In accordance with N.J.S.A. 40:48-2.13, when any owner or tenant of lands who has neglected or refused to remove or destroy brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris after having been duly noticed to

remove same, within the manner and time provided, the Borough, itself, as an additional remedy, may see to removal or compliance by utilizing the procedures set forth herein.

- A. If such removal or compliance does not occur because the owner or tenant has refused or neglected or otherwise determined not to remove or comply, despite the **issuance of a summons or** notice of violation as set forth in § 317-13 <<https://ecode360.com/10336125>>, the Borough may proceed to remediate the condition itself and authorize the investigating Borough official to effect removal or compliance subject to the due process procedure delineated herein.

[. . .]

SECTION V.

Section 317-15 entitled "Hours for construction work" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure is prohibited at any time other than between the hours of 7:30 a.m. and ~~87:30 p.m. on all days~~ **Monday through Saturdays**, except in the case of urgent necessity in the interest of public health and safety, and then only in accordance with an approval first obtained from the Borough Engineer, related to land clearing and grading, drainage, sewer and water utilities and public improvement work, or from the Construction Official as to other work. Such approval may be granted for a period not to exceed three days while the emergency continues. The provisions of this section shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed by a homeowner or occupant, personally, between the hours of 8:00 a.m. and 10:00 p.m. upon residential premises, provided that the work shall be done without undue noise or disturbance of the peace and quiet of the neighborhood.

[. . .]

SECTION VI.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION VII.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION VIII.

All Borough of Middlesex ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION IX.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/13/2022 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Conahan, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2067-22 by title:

ORDINANCE 2067-22**AN ORDINANCE AMENDING CODE SECTIONS 332-9, 332-38, 332-41, 332-42, 332-44, AND 332-51 WITHIN CHAPTER 332 ENTITLED "SEWERS" TO REVISE CURRENT BILLING PRACTICES**

WHEREAS, Current Code Sections 332-41 and 332-42 govern "User Classes" and their method of payment, providing classification of users introducing domestic sanitary wastes into the Borough's sanitary sewer system; and

WHEREAS, the Borough wishes to eliminate the current distinctions for industrial/commercial and residential users and restructure its billing practices for sewer service fees; and

WHEREAS, in addition to revising billing practices, the Borough also wishes to further regulate grease traps and interceptors under Section 332-9 and change the billing structure for connection fees under Section 332-38; and

WHEREAS, the Borough also wishes to establish new timeframes for appeal of fees under Sections 332-44 and 332-51; and

WHEREAS, the Borough Attorney has looked upon these changes favorably and has discussed the potential revisions with the Borough's tax collector to ensure that the revised fee structure will be workable in practice and correct any inequities;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex and State of New Jersey, that Sections 332-9, 332-38, and 332-41, and 332-42 in the Borough's Code shall be amended as follows:

SECTION I.

Subsection 332-9(J)(11) of Section 332-9 entitled "Prohibited wastes or water" within Chapter 332 ("Sewers"), Article I ("Use Regulations"), is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

§ 332-9. Prohibited wastes or water.

[. . .]

J. Grease traps and interceptors.

[. . .]

11. The Health Officer, Borough Sewer Department and/or Plumbing Subcode Official shall have the right to inspect any food service establishment or other facility to confirm compliance with any requirement of § 332-9 herein. The fee for initial inspections shall be ~~\$50~~\$100. The fee for reinspections shall be ~~\$100~~\$150. The schedule for inspections shall be determined by the Health Officer.

SECTION II.

Subsection 332-38(B) of Section 332-38 entitled "Permission required; service charge" within Chapter 332 ("Sewers"), Article II ("Service Connections and Charges"), is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

§ 332-38. Permission required; service charge.

[. . .]

B. Sanitary sewer connection fees.

(1) Pursuant to provisions of N.J.S.A. 40A:26A-11, the fee to connect to a public sanitary sewer for developments approved after the effective date hereof is established as follows:

(a) Single-family residential use. Each single-family dwelling shall be charged a connection fee of ~~\$750~~\$2,500 per dwelling for all new connections to the sanitary sewer system.

(b) Multifamily residential use. Each apartment, condominium or townhouse unit shall be charged a connection fee of ~~\$1,000~~\$2,500 for each new dwelling unit. A new dwelling unit shall be defined as having its own kitchen facilities.

(c) Commercial use. Each commercial use shall be charged a minimum connection fee of \$1,500 for each new ~~400~~300 gallons estimated annual daily average flow or fraction thereof as determined by the Borough Engineer based upon data and information supplied to the Borough by the applicant and the results of any investigation by the Borough into actual meter reads or other available information regarding the estimated annual daily average flow for the proposed use. In no event shall the connection fee for any commercial use be calculated at less than 0.125 gallons per day for each square foot of occupancy.

(d) Industrial use. For any change of use of a property, and any change in occupancy, each industrial use shall be charged a minimum connection fee of

\$2,000 for every ~~400~~**300** gallons estimated annual daily average flow or fraction thereof as determined by the Borough Engineer based upon data and information supplied to the Borough by the applicant and the results of any investigation by the Borough into actual meter reads or other available information regarding the estimated annual daily average flow for the proposed use. In no event shall the connection fee for any commercial use be calculated at less than 0.125 gallons per day for each square foot of occupancy.

(e) Any change of use of a property, and any change in occupancy of a nonresidential property, shall require an application to the Borough for a permit to connect to the sanitary sewer system. The Borough Engineer shall review all such applications submitted pursuant to this subsection, and shall determine if a sewer connection permit is required pursuant to this section.

(f) All connection fees required by this section shall be paid to the Borough prior to the issuance of a sewer connection permit.

(g) Developments receiving final approvals prior to May 1, 2016, shall be subject to the connection fees under Ordinance No. 1567.

- (2) Violations and penalties. Any connection made to any sewer installed contrary to and in violation of any of the provisions of this section shall be disconnected immediately upon notice from the Borough. Any person, firm or corporation who violates any provision of this section shall, after conviction, be subject to a penalty of not more than \$500 or imprisonment for a period not exceeding 30 days or both, at the discretion of the court or judicial officer before whom the conviction was prosecuted.

SECTION III.

Section 332-41 entitled "User classes" within Chapter 332 ("Sewers"), Article III ("Use Charges"), is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

§ 332-41. User classes.

A. "Tax exempt" includes institutions which pay no ad valorem taxes or receive substantial credits in paying such taxes, except public schools and publicly owned facilities performing local government functions which discharge solely domestic wastes.

B. "Industrial and commercial" includes all users, ~~except residential users introducing less than 120,000 gallons per annum (gpa) of domestic sanitary wastes,~~ regardless of the discharge volume-, **who are not classified as "tax exempt" or "residential."**

C. "Residential" includes **all users introducing domestic sanitary waste from any** single ~~and/or~~ multifamily **dwelling,** ~~composed of two or more individual residential units on any single tax lot, including garden apartments, which introduce no more than an aggregate of 120,000 gallons per annum (gpa) of domestic sanitary wastes.~~ **Each dwelling unit on any residential lot shall be considered its own service unit as follows:**

(1) Each single-family residence - One Service Unit;

(2) Each house trailer - One Service Unit;

- (3) Each dwelling unit within a two-family, multi-family, apartment house, condominium complex, townhouse complex, commercial building, or other residential building shall be One Service Unit.

SECTION IV.

Section 332-42 entitled "Method of payment" within Chapter 332 ("Sewers"), Article III ("Use Charges"), is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

§ 332-42. Method of payment.

- A. ~~Tax-exempt and industrial and commercial~~ **All** users introducing more than 1200,000 gallons per annum of wastewater discharge shall be invoiced directly for their use of the sewage treatment system. Sewer user charges shall continue to be charged to all **tax exempt users (as described in § 332-41(A)), industrial and commercial users (as described in § 332-41(B)), and residential users (as described in § 332-41(C))** users through ad valorem taxes rather than through direct sewer use charges for the first 1200,000 gallons per annum of wastewater discharge introduced. Thereafter, charges under § 332-43 hereunder shall be in addition to the amounts charged under their ad valorem taxes. **The separate invoicing process for exceeding 100,000 gallons per annum shall apply to all users.**
- B. **Sewer user charges shall be charged to residential users per service unit as described in § 332-41(C). Each service unit shall be allotted 100,000 gallons per annum. For example, a tax lot housing ten service units shall be allotted 1,000,000 gallons per annum before the separate invoicing process shall apply.**

SECTION V.

Section 332-44 entitled "Appeals as to amount of bill or calculation thereof" within Chapter 332 ("Sewers"), Article III ("Use Charges"), is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

Any dispute as to the billing or charges determined by **§ 332-42** and § 332-43 as to the amount of the bill or the calculation thereof may be appealed as follows:

- A. **Directly to the Borough Tax Collector who shall forward the appeal to** ~~To a panel of the Borough of Middlesex made up of the Borough Engineer, the Borough's engineering consultant, a representative of the Department of Public Works appointed by the Mayor, a resident of the Borough appointed by the Mayor, a business owner appointed by the Mayor, where such business is located in the Borough of Middlesex and the Mayor or his/her designee.~~
- B. Said appeal shall be in writing and shall include, in sufficient detail, the relief sought and the evidence, information or documents to support the relief sought. Relief shall be granted if **the Borough Engineer** ~~if a minimum of four members of the panel agrees in his/her official capacity~~ upon such relief. The decision ~~of the panel~~ shall be final and binding.
- C. All appeals must be filed within ~~90~~**45** days of dispatch of such billing or charge sought to be appealed.

- D. No appeal shall be considered by the ~~panel~~**Engineer**, and an appeal shall not be considered as filed, unless payment of the entire sewer bill, including any disputed amounts, is made and received by the Borough in full.

SECTION VI.

Subsection 332-51(A) of Section 332-51 entitled "payment of user charges; procedure for unpaid bills" within Chapter 332 ("Sewers"), Article III ("Use Charges"), is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. The user charges established and provided for herein shall be due and payable ~~semiannually on May 1 and November 1 of each year~~ **60 days after the date of billing.** Unless actual flows are provided by the user, sewer user charges for the current year shall be based upon the water consumption **and/or user charges** for the immediately preceding year.

[. . .]

SECTION VII.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION VIII.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IX.

All Borough of Middlesex ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION X.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/13/2022 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Conahan, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the July 26, 2022 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden spoke regarding Betty Platten's passing and stated that she was an active member of our Borough Council. When her last Council term concluded, she became an active and at times vocal participant on the other side of the dais challenging the governing body to maintain fairness and impartiality.

Betty was the liaison for the Middlesex Borough Fire Department. She also participated in various committees such as the HUD and Victor Crowell Park Committees. She will be missed.

Mayor Madden then spoke regarding CFO Caroline Benson and discussed the brief process for CFO certification, explaining that there are nine classes each of which have an exam that must be passed before moving on to the next class. The final step consists of a six hour state exam in two parts (Theory and Accounting).

As acting CFO since September, 2019 during Covid, classes went from in person to online with frequent cancellations and schedule changes. Due to many retirements and the rigorous certification process has created a state wide shortage of certified CFO's.

Lastly, maintaining her certification requires additional classes, acquiring 30 credits every two years for this statutory position.

Congratulations Caroline for your CFO accomplishment.

COUNCIL MEMBER REPORTS

Council President Eodice

Council President Eodice stated that he was proud of the direction the Borough was heading and also stated that Betty Platten would be missed.

Councilman Carnes

Councilman Carnes was absent.

Councilman Conahan

Councilman Conahan expressed kind remarks for Betty Platen on her passing and congratulated the new Sergeants, the CFO, and the DPW members on their new positions.

Councilman Mikolajczyk

Councilman Mikolajczyk congratulated all of our new sergeants. I know you'll all do well and represent Middlesex proudly.

Councilman Mikolajczyk also reported on highlights of the July Police report:

- Calls for service 2248 - the highest for the year
- 9 arrests, 3 DWI's
- 266 summons issued
- a still high 41 crashes
- We had 21 reportable crimes, 5 assaults, 6 harassment, 8 theft (1 was a car. Lock your cars at night) 5 were cleared, 24% for the month, 30% year to date.

Also, I had made a statement about the need for Senior Services and Recreation to be separated. As a first step, I met with the Borough Administrator and the Department Head for Social Services to get a clearer understanding of the staff, their roles and the types of programs they are offering and two things quickly became apparent. (1) We have a bit of a staffing issue with respect to the availability of a senior bus driver; and (2) We need to do a better job of communicating to the public what programs are available and the schedules for these programs.

As a first step, the Middlesex Borough Seniors Facebook page went live yesterday. The group name is "Middlesex Seniors". They will be posting about current and upcoming programs, activities, and trips. A trip to Point Pleasant and Stroke Prevention Presentation given by St. Peter's University Hospital are coming up.

A couple of other points: We are continuing with our weekly food shopping trips, medicals, and exercise classes and The September/October Senior Messenger newsletter will be mailed out shortly. There is more to come but the communication to the public we saw was a big gap. You are always going to perceive nothing is getting done if you don't hear about it.

Councilman Quinn

No report was given.

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

Mayor Madden read Administrator Costa's report to the Governing Body:

- **Spatial Data Logic** - At the September 27th meeting, we will have a presentation by a representative of Spatial Data Logic. Spatial Data Logic's Municipal Management Software helps bridge the gap between municipalities and their constituents by providing visibility across departments, streamlining workflow for staff, and enabling on line self-service access for residents. The demo will show how residents will be able to submit applications, see permits, see if they have been approved, schedule inspections and more.
- **Web Site Clean-up** - Department heads have been informed that they need to review their web sites at least once per week to ensure accurate and up to date contact, If anyone comes across outdated or inaccurate information, please let the administrator know.
- **Web Site Links** - We are working with the web master to add informative links to our web page. These links will be to offer site visitors the opportunity to link to helpful sites such as veterans' assistance sites or link to sites where residents can sign up for volunteer work within the Borough. We will report more on this as it develops.
- **Senior Services / Recreation Department** has created a "Middlesex Seniors" Facebook page. The goal will be increase communication with our seniors on a daily basis. Each day will feature new posts from the department. As just stated a moment ago, we will be working towards making our social media platforms more accessible and informative.
- **Borough Hall Security** - Price Quote over bid threshold. We are looking at more inexpensive ways to purchase and install security cameras. I will report further at the September meeting.

- **Borough Hall Parking Lot** - No update on re-paving from Army Corp since last meeting. Will follow up before September 13 meeting.
- **Library A/C Update** - Bid opened on the August 17. Waiting for engineers review and recommendation for bid award.
- **Police Department A/C Update** - Waiting on engineer for bid specs. Hope to have this week.
- **Streetscape Update** - As previously reported, the lowest bidder withdrew their bid. Our engineer is currently reviewing the project and the Borough Administrator will update this matter at the September 13, 2022 Council Meeting.
- **Proclamation** - At the September 13th meeting there will be a proclamation acknowledging National POW/MIA Recognition Day on **September 16, 2022**.
- **Fire Department Turn out gear grant** - The Borough did has applied to the State for a \$75,000 grant for the purchase of turnout gear for our fire department. I will report if we are awarded the grant and how much when the information is made available.
- **Grant Writing**- We all know there are numerous grants made available each year that can offer monies to municipalities for specific items or programs. A Borough such as Middlesex could benefit from the services of a professional grant writer. I am proposing that as part of our Professional Services contracts for 2023, we look for such a person or company to seek out and apply for grants that would benefit the residents of the Borough. We will review this closer before we prepare to go out for professional services.
- **Blue Line** - DPW will be repainting the Blue line on Mountain Ave. DPW has been asked to extend the Blue line to Lincoln (holding short off the County ROW on Lincoln). DPW needs to purchase additional blue paint. The work will be done when we have obtained the paint.
- **Veterans Parking** - DPW has been instructed to convert one of the parking spots (the one closest to the handicap spot outside at the South end of the Borough Hall from a Visitors Spot to read “Veterans Parking Only”.
- **Tie the Town Pink** - At 11Am on September 28th, the “Dance for the Cure” mission will be here to tie pink ribbons around trees with borough employees in recognition of breast cancer awareness month. This is the second year the Borough is participating.
- **Borough Clerk’s Office** - There will be an ordinance introduced at the September 13th meeting increasing the cost for certified copies from \$10 to \$15. This has been approved by the Board of Health.
- **Film Ordinance** - There will be an ordinance introduced at the September 13 meeting setting up a permitting and insurance requirements process around any filming on public lands. Many municipalities have ordinances as such in place. We have reviewed several of these ordinances and have drafted one for the Council to consider. It will be emailed to the council next week for review prior to introduction.
- **Lincoln Statue Park** - We have waiting for our engineers to conduct a survey of Lincoln Statue Park. The Borough Administrator will report further at the September 13, 2022 Council Meeting.
- **River Road Milling and Resurfacing** - Be advised that Sergeant Melchiorre of the Middlesex PD was contacted by Middlesex County Public Works and advised that due to a delay in the job they are working on now they expect to start the work on River Road Milling and Resurfacing one (1) week after than originally planned. The PD will ensure that a NIXLE message is put out prior to them starting the work.
- **Project Limits: Lincoln Boulevard to Second Train Bridge** - Approximate time(s) 7AM to 3:30PM (weekdays only). Originally the milling, paving and striping was to take place on August 24, August 25, and August 26. It has been delayed a week and now the milling, paving and striping has been rescheduled for August 31, September 1 and September 2.

PRIVILEGE OF THE FLOOR

Frank Ryan, 303 Maple Street, showed his support for Councilman Conahan. He expressed his condolences for Betty Platten, commenting on her involvement in the Borough. Additionally, he expressed his appreciation for all the time and work the Council put in to make the Borough run.

Dave Polakiewicz, 240 Hazelwood Avenue, asked the Mayor if there was a prospective tenant for the old Pathmark building. He also inquired about a resolution on the consent agenda, wanting clarification on the location and whether the project was complete. Mr. Polakiewicz expressed interest in the monetary amount the Borough would be receiving for the American Rescue Plan Act.

Councilman Rex expressed his concerns on Ordinance 2065-22. He wanted to emphasize that it will be an improvement committee, and that the members of the committee will be appointed by the Mayor and Council. He additionally expressed that he does not believe that there should be any specialists on the committee. He stated that the departments that are affected should have a liaison between themselves and the committee as well.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 230-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Accepting the Resignation of Eran McGashan and Richard Tarbous from Beechwood Heights and the Middlesex Fire Department.
2. Accepting Darin Dickey as a member of the Parker Engine & Hose Company for the Middlesex Fire Department.
3. Acceptance of the July, 2022 Monthly Police Report.
4. Accepting the resignation of Eric Powlson from the Middlesex Fire Department.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 231-2022

PROMOTING CHRISTOPHER EMMONS TO ASSISTANT SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS EFFECTIVE JULY 26,2022 AT AN ANNUAL SALARY OF \$91,520.00

The Governing Body hereby approves the promotion of Christopher Emmons to Assistant Superintendent of the Department of Public Works effective July 26, 2022 at an annual salary of \$91,520.00.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 232-2022

**PROMOTING DYLAN WYATT TO CHIEF MECHANIC FOR THE DEPARTMENT OF
PUBLIC WORKS EFFECTIVE JULY 26, 2022 AT AN HOURLY RATE OF \$43.58**

The Governing Body hereby approves the promotion of Dylan Wyatt to Chief Mechanic for the Department of Public Works effective July 26, 2022 at an hourly rate of \$43.58.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 233-2022

**APPROVING THE REFUND OF \$1,376.06 TO THE PROPERTY OWNER OF BLOCK 42,
LOT 5 FOR APPEAL OF SEWER CHARGE**

WHEREAS, As per Ordinance 1889-16, all users which discharge more than 120,000 gallons of domestic sanitary wastewater per annum, shall be charged a service charge for flow, and;

WHEREAS, any dispute as to the billing or charges or to the amount of the bill or calculation thereof, may be appealed, and;

WHEREAS, said appeal shall be in writing and shall include in sufficient detail, the relief sought, the evidence, information or documents to support the relief sought, and;

WHEREAS, as per the appeal process the proper supporting documentation was submitted and reviewed, and;

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

Block/Lot:	42/5
Original Amount:	\$2,790.77
New Amount:	\$1,414.71
Refund Due:	\$1,376.06

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 234-2022

**ACCEPTING THE RESIGNATION OF THOMAS RITCHIE FROM THE POLICE
DEPARTMENT**

The Governing Body hereby accepts the resignation of Thomas Ritchie, as a seasonal school crossing guard with the Police Department 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 235-2022

**AUTHORIZING THE APPROVAL TO HAVE NJ TRANSIT REPLACE THE BUS SHELTER
AT UNION AVENUE EASTBOUND AT GREENBROOK ROAD**

WHEREAS, Resolution #64-2022 was adopted by the Governing Body on February 8, 2022 to execute the Agreement between the New Jersey Transit Corporation and Middlesex Borough for the Installation and Maintenance of Bus Shelters; and

WHEREAS, the Governing Body would like to include in the Agreement the replacement of the bus shelter located at Union Avenue Eastbound, at Greenbrook Road, far side #23359; and

WHEREAS, NJ Transit has agreed to replace this bus shelter and per the Agreement executed on February 22, 2022 with NJ Transit Corporation and Middlesex for the Installation and Maintenance of Bus Shelters the Borough agrees that once installed, the Borough of Middlesex agrees to take possession of the shelter and provide for their maintenance per the Agreement; and

WHEREAS, the Governing Body authorizes the Mayor to execute the Shelter Design Options Addendum to the Agreement for the bus shelter site located at Union Avenue Eastbound, at Greenbrook Road, far side #23359.

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 authorizes the Mayor to execute the Shelter Design Options Addendum to the Agreement for the bus shelter site located at Union Avenue Eastbound, at Greenbrook Road, far side #23359.
2. This resolution shall take effect immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 236-2022

**APPOINTING CAROLINE BENSON CHIEF FINANCIAL OFFICER FOR THE BOROUGH
OF MIDDLESEX**

WHEREAS, N.J.S.A. 40A:9-140.10 requires that every municipality have a chief financial officer appointed by the governing body; and

WHEREAS, N.J.S.A. 40A:9-140.10 further provides that the term of the Chief Financial Officer "shall be four years, which shall run from January 1 in the year in which the Chief Financial Officer is appointed"; and

WHEREAS, the Middlesex Borough is in need of a Chief Financial Officer; and

WHEREAS, Caroline Benson has served as Acting Chief Financial Officer since September 24, 2019, being reappointed on September 24, 2020 and September 24, 2021 and having received the necessary approvals of the Director of Local Government Services for each term; and

WHEREAS, Caroline Benson has received her New Jersey municipal finance officer certificate as required by N.J.S.A. 40A:9-140.13 on August 2, 2022.

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

1. The governing body hereby appoints Caroline Benson to the position of Chief Financial Officer of the Borough of Middlesex at an annual salary of \$98,000 effective immediately.
2. Caroline Benson is hereby appointed as Chief Financial Officer for a term of four (4) years, starting on January 1, 2022 and terminating on December 31, 2025.
3. Caroline Benson shall not be granted tenure unless and until she is reappointed as Chief Financial Officer by the Borough Council upon expiration of her four (4) year term in accordance with N.J.S.A. 40A:9-140.8.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 237-2022

**AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATE OF COMPLETION
RELATING TO A REDEVELOPMENT PROJECT UNDERTAKEN BY MIDDLESEX
RESIDENTIAL URBAN RENEWAL, LLC ON REAL PROPERTY DESIGNATED AS
BLOCK 349, LOTS 6.02, 8, 10.01, 10.02 AND 10.03 ON THE OFFICIAL TAX MAPS OF
THE BOROUGH**

WHEREAS, on December 13, 2017, the Borough and RG Middlesex Urban Renewal, LLC (the "**Redeveloper**") entered into a Redevelopment Agreement (the "**Redevelopment Agreement**") for the redevelopment of certain real property located within the Borough, specifically Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 on the tax maps of the Borough (the "**Property**"), and pursuant to which the Redeveloper was to develop, design, finance and construct the "Project Improvements" (as defined in the Redevelopment Agreement) in accordance with the requirements of the Borough's Lincoln Boulevard Redevelopment Plan, as amended (collectively, the "**Project**"), which Redevelopment Plan was adopted by the governing body of the Borough on September 18, 2007; and

WHEREAS, the Redeveloper has completed construction of the Project and obtained certificates of occupancy ("**C of O**") from the Borough, and has further submitted satisfactory evidence ("**Completion Submissions**") that the conditions to the issuance of a Certificate of Completion under the Redevelopment Agreement have been satisfied; and

WHEREAS, in accordance with the Redevelopment Agreement, the Redeveloper has requested the issuance of a Certificate of Completion for the Project; and

WHEREAS, based on the issuance of the C of O and receipt of the Completion Submissions, the Mayor and Council are satisfied that the conditions to issuance of the Certificate of Completion have been satisfied.

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

1. The Mayor is hereby authorized to execute the Certificate of Completion, in the form annexed hereto as Exhibit A, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Certificate of Completion to the Borough Attorney and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to the Redeveloper. The Borough Clerk shall retain at least one (1) fully executed copy of the Certificate of Completion on file in her office.
3. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 238-2022

**ACCEPTING THE RESIGNATION OF LISARIELLE DEANGELIS FROM THE COURT
OFFICE EFFECTIVE AUGUST 19, 2022**

The Governing Body hereby accepts the resignation of Lisarielle DeAngelis from the Court Office effective August 19, 2022. Ms. DeAngelis was employed part time in the Court Department.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 239-2022

**AUTHORIZING THE DPW TO INSTALL A PICKLE BALL COURT IN MOUNTAIN VIEW
PARK**

The Governing Body authorizes the DPW to install a pickle ball court in Mountain View Park in an amount not to exceed \$2,600.00.

The CFO certifies funds in an amount not to exceed \$2,600.00 are available in Account No. T-03-56-286-867-10.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 240-2022

AUTHORIZING THE WAIVER OF THE EXECUTION OF A DEVELOPER'S AGREEMENT PURSUANT TO SECTION 56-47 OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX FOR THE PROPERTY KNOWN AS 1308 BOUND BROOK ROAD, LOT 28-32, BLOCK 206 (PLANNING BOARD APP. NO. P2018-09)

WHEREAS, Section 56-47 of the Municipal Code of the Borough of Middlesex requires the execution of a developer's agreement between an applicant and a developer upon the granting of final site plan approval by the Joint Land Use Board (or predecessor Planning Board or Zoning Board of Adjustment) of the Borough of Middlesex; and

WHEREAS, on February 13, 2019, the Planning Board granted preliminary and final site plan approval with "c" variance and related site improvements and new signs to the applicant, AJLJ Laundry, LLC, for the property located at 1308 Bound Brook Road, Lot 28-32 of Block 206 in the GB (General Business) Zone, with the resolution of said Board attached hereto; and

WHEREAS, Condition 7 of the resolution of the Board directs the Applicant to "request a waiver of the municipal requirement for a Developer's Agreement of from Governing Body" which Applicant has done through correspondence to the Borough dated July 11, 2022; and

WHEREAS, Applicant has noted that the improvements are complete and consist of renovations to the existing site. As a result, the oversight can be handled in accordance with the detailed resolution of the Planning Board, and in consideration of same waiver of the Borough's requirement for a developer's agreement is appropriate; and

WHEREAS, having reviewed the resolution of the Planning Board and having considered the recommendation of same, the Borough Council desires to grant the Applicant's request and waive the Developer's Agreement requirement of Section 56-47 of the Municipal Code of the Borough of Middlesex; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby waive the Developer's Agreement requirement of Section 56-47 of the Municipal Code of the Borough of Middlesex for the project approved in Planning Board App. No. 2018-09 for the property located at 1308 Bound Brook Road (Lot 28-32 of Block 206).

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 241-2022**SPECIAL ITEMS OF REVENUE AND APPROPRIATION UNDER THE CAPTION OF
"AMERICAN RESCUE PLAN ACT OF 2021"**

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 2022 in the sum of \$715,880.58, which item is now available as a revenue from the American Rescue Plan Act of 2021 in the amount of \$715,880.58;

BE IT FURTHER RESOLVED that the like sum of \$715,880.58 is hereby appropriated under the caption of "American Rescue Plan Act of 2021"; and

BE IT FURTHER RESOLVED that the above is a result of a Federal Grant of \$715,880.58 from the American Rescue Plan Act of 2021.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 242-2022**SPECIAL ITEMS OF REVENUE AND APPROPRIATION UNDER THE CAPTION OF
"DMHAS YOUTH LEADERSHIP - MUNICIPAL ALLIANCE GRANT PROGRAM"**

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 2022 in the sum of \$5,000.00 which item is now available as a revenue from the DMHAS Youth Leadership through the Municipal Alliance Grant Program in the amount of \$5,000.00;

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption of "DMHAS Youth Leadership - Municipal Alliance Grant Program"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$5,000.00 from the Municipal Alliance 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 243-2022

APPROVAL TO ADVANCE POLICE OFFICER COLIN DEVINCENZO TO POLICE OFFICER CLASS "A" AT AN ANNUAL SALARY OF \$120,028.00 EFFECTIVE AUGUST 17, 2022

WHEREAS, Police Officer Colin DeVincenzo is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On August 15, 2022 Chief Geist recommended Police Officer Colin DeVincenzo be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Colin DeVincenzo be and is hereby advanced in grade to Patrolman Class "A" effective August 17, 2022 at an annual salary of \$120,028.00.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 244-2022

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE VETERAN TAX DEDUCTIONS FOR BLOCK 159 LOT 11.01 AND BLOCK 332 LOT 8

WHEREAS, per (N.J.S.A. 54:4-8.10 et seq. as amended by P.L. 2019 c.413; N.J.A.C. 18:27-1.1 et seq.), certain Veterans were the owners of property in the Borough of Middlesex on or before October 1, 2021, and

WHEREAS, said Veterans did file their claims for the Veteran deduction with the proper official of the Borough of Middlesex, Middlesex County, and

WHEREAS, the Tax Assessor has allowed the following Veteran deduction(s) for the 2022 tax year totaling \$500.00

Name: Baker, Robert
Block/Lot: 159 / 11.01
Amount: \$250.00

Name: Schaefer, Alfred Wayne
Block/Lot: 332 / 8
Amount: \$250.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 245-2022

**APPROVING THE PURCHASE OF 3 TASER 7 BASIC BUNDLES FOR THE MIDDLESEX
BOROUGH POLICE DEPARTMENT, IN THE AMOUNT OF \$11,753.14**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase 3 Taser 7 Basic Bundles for the Middlesex Borough Police Department under the NJ State Contract #17-FLEET-00738/T0106; and

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

WHEREAS, Axon Enterprise, Inc., is under the NJ State Contract #17-FLEET-00738/T0106 through May 14, 2023, for the purchase of tasers and accessories; and

WHEREAS, the cost for said purchase of 3 Taser 7 Basic Bundles is \$11,753.14; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of 3 Taser 7 Basic Bundles for the Middlesex Borough Police Department, in the amount of \$11,753.14 under NJ State Contract #17-FLEET-00738/T0106 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$11,753.14 are available in the 2022 Police Department Capital Budget. Account number C-04-22-062-000-071.

Caroline Benson, CFO

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 246-2022

**RESOLUTION OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX,
NEW JERSEY AUTHORIZING THE MAYOR TO EXECUTE CERTAIN AGREEMENTS
RELATING TO A REDEVELOPMENT PROJECT UNDERTAKEN BY RG MIDDLESEX
URBAN RENEWAL, LLC ON REAL PROPERTY DESIGNATED AS BLOCK 353, LOT
1.01 ON THE OFFICIAL TAX MAPS OF THE BOROUGH**

WHEREAS, on May 26, 2020, the Borough and RG Middlesex Urban Renewal, LLC (the "**Redeveloper**") entered into a Redevelopment Agreement (the "**Redevelopment Agreement**") for the redevelopment of certain real property located within the Borough, specifically Block 353, Lots 1.01 and 1.02 on the tax maps of the Borough (the "**Property**"), and pursuant to which the Redeveloper was to develop, design, finance and construct a project consisting of approximately 400,000 square feet of industrial warehouse space on the Property, and including the construction of utilities, driveway, street lighting, landscaping, and other site plan improvements in accordance with the requirements of the Borough's Redevelopment Plan (collectively, the "**Project**"), which Redevelopment Plan was adopted by the governing body of the Borough on September 10, 2019, pursuant to Ordinance No. 1974-19; and

WHEREAS, pursuant to Section 2.3 of the Redevelopment Agreement, the Borough agreed to issue bonds in an amount not to exceed \$750,000 in order to fund or reimburse the Redeveloper for the costs of certain "Improvements" as described in the Redevelopment Agreement (the "**Improvements**") pursuant to the terms and provisions of a funding/reimbursement agreement (the "**Funding Agreement**"); and

WHEREAS, the Borough, on May 12, 2022 issued its \$4,965,000 General Obligation Bonds, Series 2022, a portion of which were issued to fund the Improvements (the "**RAB Bonds**"); and

WHEREAS, pursuant to Section 2.4 of the Redevelopment Agreement, the cost of the Improvements are to be specially assessed against the Project pursuant to a "Special Assessment Agreement" (the "**Special Assessment Agreement**"), and the Redeveloper is required to make payments to the Borough in an amount and on the dates which allow the Borough to pay debt service on the RAB Bonds; provided however, that, so long as the Redeveloper makes the required payments under the Financial Agreement with the Borough, the Redeveloper shall not be required to make payments under the Special Assessment Agreement; and

WHEREAS, the Borough desires to approve and enter into the Funding Agreement and the Special Assessment Agreement.

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

1. The Mayor is hereby authorized to execute each of the Funding Agreement, in the form annexed hereto as Exhibit A, and Special Assessment Agreement, in the form annexed hereto as Exhibit B (together, the "**Agreements**"), subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Agreements to the Borough Attorney and Special Redevelopment Counsel so that they may arrange for execution by the Redeveloper, and thereafter to retain one (1) copy of each for their records. The Borough Clerk shall retain at least one (1) fully executed copy each of the Agreements on file in her office.
3. The Mayor and the Borough Clerk are hereby authorized to take such action and

to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 247-2022

APPROVING THE REPAIRS TO THE MIDDLESEX LIBRARY COMMUNITY ROOM FLOOR BY ALLSTATE OFFICE INTERIORS IN THE AMOUNT OF \$15,342.78

WHEREAS, the Middlesex Library Community Room sustained floor damage from Hurricane Ida; and

WHEREAS, the Middlesex Library wishes to utilize a vendor under NJ State Contract #81754 for said repairs; and

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

WHEREAS, Allstate Office Interiors is under the NJ State Contract #81754 for flooring repairs; and

WHEREAS, the cost for repairs to the community room floor is \$15,342.78; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the repairs to the Middlesex Library Community Room floor by Allstate Office Interiors, under NJ State Contract #81754 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$15,342.78 is available from the Library Reserve Fund, Account No. T-03-56-287-001-000.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 248-2022

AUTHORIZING THE PURCHASE OF A GEAR WASHER FOR THE MIDDLESEX FIRE DEPARTMENT IN THE AMOUNT OF \$8,205.00

WHEREAS, the Fire Department of the Borough of Middlesex wishes to purchase a gear washer from NJ Fire Equipment Co., under NJ State Contract #17-FLEET-00819; and

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

WHEREAS, NJ Fire Equipment Co. is under the NJ State Contract #17-FLEET-00819 for fire equipment; and

WHEREAS, the cost for the purchase of the gear washer is \$8,205.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of the gear washer under NJ State Contract #17-FLEET-00819 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$8,205.00 is available from the 2022 Fire Department Capital Budget, Account No. C-04-22-062-000-075.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 249-2022

**AUTHORIZING THE PURCHASE OF A GENERATOR FOR THE PARKER FIRE HOUSE
FROM PUMPING SERVICES IN THE AMOUNT OF \$25,816.70**

WHEREAS, the Fire Department of the Borough of Middlesex wishes to purchase a generator for the Parker Fire House; and

WHEREAS, two quotes were received for the purchase of the generator for the Parker Fire House from the following vendors:

- 1) Pumping Services - \$25,816.70
- 2) Raw Power - \$30,782.60

WHEREAS, the Fire Department and the Purchasing Agent recommend using Pumping Services for the purchase of a generator in the amount of \$25,816.70; and

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

1. Based upon the recommendation of the Fire Department and the Purchasing Agent, the governing body hereby approves the purchase of a generator for the Parker Fire House from Pumping Services in the amount of \$25,816.70.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount \$25,816.70 are available from the 2022 Fire Department Capital Budget, Account No. C-04-22-062-000-075.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 250-2022

**COMMITTING MIDDLESEX BOROUGH TO PROVIDE 25% OF THE COSTS FOR
SAFETY IMPROVEMENTS ASSOCIATED WITH THE INTERSECTION OF ROUTE 28
AND SHEPHERD AVENUE**

WHEREAS, residents of Middlesex Borough have brought safety related concerns to the Borough regarding the intersection of Union Avenue (Route 28) and Shepherd Avenue; and

WHEREAS, the Middlesex Police Department has forwarded safety concerns to the NJDOT Traffic Division in October, 2020 and began this investigation in November, 2020; and

WHEREAS, in September, 2021 while completing field investigations to collect data it was determined that the signals do not meet NJDOT requirements and a full intersection upgrade is required to meet current standards: and

WHEREAS, the NJDOT has informed the Borough that the NJDOT will not begin the electrical construction project unless they receive a commitment from the Borough of Middlesex, by resolution, to pay 25% (\$37,500.00) of the estimated construction costs of \$150,000 pursuant to NJDOT Cost Sharing Policy 346; and

WHEREAS, the Middlesex Police Department is requesting that the Borough Council pass this resolution committing to the twenty five percent (25%) sharing costs so that the improvements for this intersection will be undertaken by the State, as this is a matter of public safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey that the Borough of Middlesex shall commit to pay the estimated 25% (\$37,500.00) of the estimated (\$150,000) of the cost for the NJDOT Traffic Division to proceed with this investigation for the revisions to the traffic signal at the intersection of Union Avenue (Route 28) and Shepherd Avenue.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the State of New Jersey, Department of Transportation, Trenton, New Jersey.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 251-2022

**AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT PURSUANT
TO THE UNIFORM SHARED SERVICE ACT, N.J.S.A. 40A:65-1 ET SEQ, WITH THE
TOWNSHIP OF PISCATAWAY FOR IMPROVEMENTS TO BE MADE TO BAEKELAND
AVENUE IN AN AMOUNT ESTIMATED TO BE \$610,000.00**

WHEREAS, the Borough of Piscataway has commenced a public works project to pave and improve Baekeland Avenue; and

WHEREAS, the Borough of Middlesex desires to collaborate with Piscataway to construct a 12' sewer force main that traverses Middlesex Borough and is under the control thereof; and

WHEREAS, the Township of Piscataway shall be the lead agency for this project and shall supervise same and undertake all procurement associated therewith; and

WHEREAS, pursuant to the Uniformed Shared Services Act, N.J.S.A. 40A:656-1 et seq., any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units including services from licensed or certified professionals required by statute to be appointed, and said authority permits the execution of the attached agreement; and

WHEREAS, the Borough of Middlesex estimates the services rendered by Piscataway to the Borough of Middlesex shall cost \$610,000.00 to be paid in the matter described in the attached agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby authorize and direct the mayor, on behalf of the Borough, to execute the attached shared service agreement with the Borough of Piscataway for the service rendered therein pursuant to N.J.S.A. 40A:65-1 et seq.

NOW BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a true copy of this resolution along with an executed copy of the attached agreement shall be to the Township of Piscataway and all other parties as required by law.

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 252-2022

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.

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 253-2022

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: (1) Personnel - Borough Administrator; 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.

ADJOURNMENT

The next Regular Meeting will be September 13, 2022

Respectfully yours,

Linda Chismar, RMC
Borough Clerk