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, September 13, 2022 **7:00 PM** **Municipal Building**

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Mayor John Madden
Council President James Eodice
Councilman Jeremiah Carnes
Councilman Michael Conahan
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Also Present:
Joe Costa Interim Administrator
Christopher Corsini Borough Attorney

Others Absent:

Mayor Madden Requested an Amendment to Resolution #260-2022 due to a Typographical Error

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

Mayor Madden Requested an Amendment to Ordinance No. 2067-22 to add an Effective Date of January 1, 2023

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

Mayor Madden Requested an Amendment to Ordinance No. 2070-22, Section 86-2 Film Commission

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

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

CHARCOT-MARIE-TOOTH AWARENESS MONTH - SEPTEMBER, 2022

WHEREAS, it is the intention of the Mayor and Council of Middlesex Borough to focus attention on noteworthy causes and occasions; and

WHEREAS, Charcot-Marie-Tooth disease (CMT) is a common inherited neurological disorder that affects approximately 1 in 2,500 people in the United States and 2.8 million worldwide; and

WHEREAS, CMT is characterized by a slow and progressive deterioration of motor and sensory nerves across various parts of the body that can lead to weakness of the foot and lower leg muscles, foot deformities, frequent tripping and falls and muscle weakness in the hands; and

WHEREAS, there are more than 70 kinds of CMT that affect individuals from all walks of life, and in all areas of the world; and

WHEREAS, there is no cure for CMT, and while physical therapy, bracing and surgical procedures can help stabilize and correct certain CMT symptoms, continued awareness and research of the disease are needed.

NOW, THEREFORE BE IT RESOLVED, I, John L. Madden, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, County of Middlesex, State of New Jersey, do hereby join with the Charcot-Marie-Tooth Association and municipalities across the United States in proclaiming the month of September 2022 to be

CHARCOT-MARIE-TOOTH AWARENESS MONTH

NOW FURTHER BE IT RESOLVED that the Borough of Middlesex urges all citizens to join with me and Council in spreading awareness of Charcot-Marie-Tooth Disease, and in

voicing our support for the Charcot-Marie-Tooth Disease Association.

Councilman Rex read the Proclamation declaring September, 2022 Charcot-Marie-Tooth Awareness Month.

POW/MIA NATIONAL RECOGNITION DAY - SEPTEMBER 16, 2022

WHEREAS, in 1998, the United States Congress designated the third Friday in September of every year as POW/MIA National Recognition Day; and

WHEREAS, tens of thousands of members of our nation's Armed Forces have endured unimaginable suffering and privation as Prisoners of War; and

WHEREAS, thousands of other loyal Americans served and sacrificed in the defense of liberty and freedom, but, tragically, never returned home; and

WHEREAS, there is evidence that Americans are still being held in captivity; and

WHEREAS, American Armed Forces have a long-held commitment to the vow to “never leave a service member behind;" and

WHEREAS, our grateful nation will never forget the pain suffered by POW/MIA families to live without knowing their loved ones' fate or knowledge of their final resting place; and

WHEREAS, our grateful nation expresses its gratitude to American POW's and MIA's and will always reinforce the vow, "You are not forgotten."

NOW, THEREFORE, I, John L. Madden, the Mayor of the Borough of Middlesex, County of Middlesex, and State of New Jersey proudly proclaim September 16, 2022 as POW/MIA National Recognition Day in the Borough of Middlesex; and

BE IT FURTHER RESOLVED, that the Middlesex Borough Council recognize POW/MIA National Recognition Day by inviting its citizens to plan and conduct appropriate remembrances, ceremonies, and activities.

Councilman Carnes read the Proclamation declaring September 16, 2022 POW/MIA National Recognition Day.

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2068-22 by title:

ORDINANCE 2068-22

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1962-19 ADOPTED ON JUNE 11, 2019, PROVIDING FOR THE BOUND BROOK ROAD STREETSCAPE PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY $300,000 FOR A TOTAL APPROPRIATION OF $1,435,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY

$300,000 FOR A TOTAL DEBT AUTHORIZATION OF $404,440, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 1962-19 on June 11, 2019 (the "Prior Ordinance") providing for the Bound Brook Road Streetscape Project and related expenses for the Borough; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the $238,825 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by $63,125 to an aggregate amount of $301,950.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of $300,000 in addition to the $1,135,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor, including $1,030,560 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) and previously appropriated by the Prior Ordinance. No down payment is required or appropriated herein as this bond ordinance involves a project funded by State grants or other similar programs, within the meaning of N.J.S.A. 40A:2-11(c).

Section 2. In order to finance the costs of said improvements or purposes, $300,000 negotiable bonds are hereby authorized to be issued in addition to the $104,440 previously authorized by the Prior Ordinance for a total principal amount not to exceed $404,440 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purpose for which the bonds are to be issued consist of the Bound Brook Road Streetscape Project, including, but not limited to, the design, construction, and inspections of portions of Bound Brook Road located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is $404,440 including the

$300,000 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is $1,435,000, which is equal to the amount of the $300,000 supplemental appropriation herein made therefor and the $1,135,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $300,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $301,950, including $63,125 authorized hereby and $238,825 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESULT:	**FIRST READING [UNANIMOUS]**	**Next: 9/27/2022 7:00 PM**
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn, Rex	

Borough Clerk Linda Chismar read Ordinance 2069-22 by title:

ORDINANCE 2069-22

AN ORDINANCE TO AMEND CHAPTER 154, CERTIFICATES, BIRTH, DEATH, AND MARRIAGE OF THE CODE OF THE BOROUGH OF MIDDLESEX

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

Chapter 154-1 Fees established shall be amended to read as follows:

154-1.A Marriage Licenses: As set by N.J.S.A. 37:1-12 et seq.
154-1.B Certified copies of marriage, Civil Union, Domestic Partnership, Remarriage, Reaffirmation of Civil Union, Birth or Death Certificates: $15.00 per copy
154-1.C Burial Permits: As set by N.J.SA. 26:6-17
154-1.D Corrections to Birth, Death, or Marriage Certificates: $10.00

RESULT:	**FIRST READING [UNANIMOUS]**	**Next: 9/27/2022 7:00 PM**
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn, Rex	

Borough Clerk Linda Chismar read Ordinance 2070-22 by title:

ORDINANCE 2070-22

AN ORDINANCE CREATING A NEW CHAPTER 86 TO BE ENTITLED "FILMING" WITHIN THE BOROUGH OF MIDDLESEX CODE

WHEREAS, the current Code of the Borough of Middlesex ("Code") does not contain any ordinances related to a film commission, filming permits and such regulations associated therewith; and

WHEREAS, Chapter 86 of the Code has previously been repealed and remains reserved.

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 the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey be and is hereby amended as follows:

Section I

Chapter 86 is hereby re-established and added to the Ordinances of the Borough of Middlesex and shall be titled as follows:

Chapter 86: Filming

Section II

Chapter 86. entitled "Filming", is hereby added to the Ordinances of the Borough of Middlesex and shall read as follows (all text is to be inserted as new text):

§ 86-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CREW

Actors, extras, crew and all other persons who will participate in the filming.

FILMING

The taking of still or motion pictures, or any incidental activities in connection therewith, using film, videotape or similar recording equipment, for commercial or educational

purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes, any portion of which activity occurs on public lands.

PUBLIC LANDS

Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Borough which is within the jurisdiction and control of the Borough.

§ 86-2 **Film Commission.**

There shall be a three-member Film Commission established, consisting of the Mayor, Chief of Police and a member of the Borough Council to be appointed thereby from amongst its membership, which is hereby authorized to issue permits for filming or performing incidental activities in connection therewith on public lands.

§ 86-3 **Permit required; applications; information.**

A. No person, firm or corporation shall film or permit filming or any activity in connection therewith within the Borough of Middlesex on public land without first obtaining a permit therefor from the Film Commission, which permit shall set forth the location of such filming and the date or dates when filming shall take place.

B. Permit forms shall be obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Clerk and shall be accompanied by a permit fee of an initial $500.00 (includes the first day of filming and includes a nonrefundable filing fee of $100.00), plus $300.00 per day thereafter that filming shall take place, plus additional bond as referenced in § 86-3.1.

C. With each permit, the applicant shall provide the following information:

(1) The number of members of the filming crew.
(2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.
(3) A description of arrangements for parking for crew and work vehicles.
(4) A description of sanitary arrangements to be made for crew and bystanders.
(5) A description of crowd control measures.
(6) A description of all location areas for filming or incidental activities.
(7) A description of cleanup methods to be used.
(8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
(9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth in § 75-4 hereof.
(10) Proof of insurance coverage as follows: combined single limit liability limits of $1,000,000 and aggregate coverage in the amount of $2,000,000. The Borough of Middlesex shall be named as an additional insured under the applicant's policy.
(11) An agreement in writing to indemnify and save harmless the Borough of Middlesex from any and all liability or damages from the use of such public lands for such filming.
(12) Such other information as required by the Film Commission necessary to protect the health, safety and welfare of the residents of the Borough.

§ 86-3.1 **Bond.**

Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of $2,000 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Borough for property damage. The posting of the bond shall not be in lieu of providing liability insurance. The cash bond will be returned to the applicant, without interest, within 30 days after the applicant has notified the Borough, in writing, that it has completed filming, unless the Borough has unsatisfied claims against the applicant, in which case the Borough will hold the bond, or a part thereof, until all claims against the applicant are satisfied.

§ 86-4 **General regulations.**

A. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Borough of Middlesex Police Department with respect thereto.

B. The holder of a permit shall conduct filming in such a manner so as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit to the extent possible any interference with normal public activity on such public lands.

C. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first. The Borough will require the posting of a letter of credit, bond or other performance guaranty in the amount of $1,000 to cover possible costs incurred.

D. Filming shall take place within the hours agreed upon by the Borough Film Commission and the film company.

E. Each film location shall have an off-duty Borough of Middlesex police officer, or a police officer approved by the Borough of Middlesex Police Chief, at the film location, the cost of which shall be paid by the film company, unless the Chief shall determine that no officer is necessary.

F. No public street in the Borough may be closed without the express permission of the Mayor and Council.

G. If any inspections such as fire, electrical, building or plumbing are required, the costs shall be paid by the film company.

§ 86-5 **Issuance of permit.**

A. The Film Commission will authorize the issuance of a permit to the applicant if it determines, based on the information supplied, that the applicant can provide adequate measures for parking, sanitary facilities, crowd control and cleanup; that the applicant will comply with the rules and regulations set forth in § 86-4 hereof; and that the filming will not unduly interfere with the use and enjoyment of private property or the public facilities of the Borough and will not endanger the public's health, safety and welfare.

B. The Borough Film Commission may refuse to issue a permit whenever, in its judgment, based on the information submitted, it determines that:

(1) Filming at the location and/or the time set forth in the application would violate

any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
(2) The applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup.
(3) The applicant has failed to establish that the filming would not unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the free flow of vehicular or pedestrian traffic; or otherwise endanger the public's health, safety or welfare.
(4) The applicant has not shown that it can comply with the rules and regulations set forth in § 86-4 hereof.

§ 86-6 **Violations and penalties.**

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed $1,000 or imprisonment for a term not to exceed 90 days, or both.

§ 86-7 **Exceptions.**

The provisions of this chapter shall not apply to the filming of news stories or filming with a crew of four or fewer members.

Section III

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

Section IV

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section V

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

RESULT:	**FIRST READING [UNANIMOUS]**	**Next: 9/27/2022 7:00 PM**
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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

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 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2064-22. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2064-22.

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

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~~T~~he 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~~ Committee**s** 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 join 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 t~~T~~he 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 t~~T~~he 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 Committee**s**.

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).

Mayor Madden opened the Public Hearing on Ordinance No. 2065-22. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2065-22.

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

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.

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, 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 ~~8~~**7**: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).

Mayor Madden opened the Public Hearing on Ordinance No. 2066-22. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2066-22.

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

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 effective January 1, 2023:

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 1~~2~~0**0**,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 1~~2~~0**0**,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 ~~tTo 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~~ agree**s 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2067-22.

Dave Polakiewicz, 240 Hazelwood Avenue, questioned the way the billing of residences would change if the Ordinance was adopted.

Seeing that there was no further comments, Mayor Madden closed the Public Hearing on Ordinance No. 2067-22.

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

ADOPTION OF MINUTES

1. Approval of the August 23, 2022 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden made the following comments:

We had a wonderful 9-11 Memorial service, which for the first time included members of Dunellen. Due to inclement weather, the service was held on September 12th.

Thank you Lenny and DPW for refreshing and repainting the Blue Line on Mountain Avenue.

COUNCIL MEMBER REPORTS

Council President Eodice

Council President Eodice made the following comments:

The 9-11 memorial was a very nicely done service.

Councilman Carnes

Councilman Carnes made the following comments:

Working on several items for the Borough to receive a Community Award for Veterans.

Councilman Conahan

Councilman Conahan made the following comments:

Stated that he was happy to see all the participants for the 9-11 memorial, and thanked Shirley Penrose and the Beautification Committee for all their hard work.

Congratulated Lieutenant Corner on his retirement.

Commented on the need to separate the Senior Services and Recreation Departments.

Swim Pool is working with the DPW to remove some telephone poles.

Blue Line looks good.

Food Truck festival will be held October 8th from 11am to 6pm at Mountainview Park.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

Read a letter from Chief Geist about an incident on September 6th that the Police Department handled, and the positive community outcome that was shown.

The Senior Services Department has improved their communication with residents. Several new items have been put on the calendar in the newsletter, including 15 special events. John Tackach is now driving the seniors around as a bus driver for the department.

Councilman Quinn

Councilman Quinn made the following comments:

The Board of Health will be hosting the Free Rabies Clinic on November 5th from 10am to 12pm at the DPW lot.

Councilman Rex

Councilman Rex made the following comments:

- Once a week garbage is back in effect
- Reminder leaf bags will be collected every Wednesday
- Recycle center will be distributing leaf bags the first week of October, one bundle per house hold while supplies last
- Pickle ball court at Mountainview Park is almost complete
- Parks Department has been involved in many stream cleaning events all funded by the Clean Communities 2021 Grant

ADMINISTRATOR'S REPORT

- **Spatial Data Logic -** Borough Administrator indicated that we will have a presentation by a representative of Spatial Data Logic and have decided to present to the staff and council first. A date and time has not yet been selected and Borough Administrator has a requested if any council members would like to attend.
- **Web Site Clean-up -** Borough Administrator stated that the 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 contacts He mentioned that if anyone comes across any outdated or inaccurate information, please let him 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 information on this link as it develops.
- **Lincoln Statue Park** - Survey has been completed
- **Library A/C Update -** Resolution is on today's agenda.
- **Streetscape Update -** Resolution on today's agenda.
- **Fire Department Turn out gear grant** - Waiting to hear on grant.
- **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.
- **Consensus** - Borough Administrator advised Council that they will be looking to hire an Assistant Mechanic in DPW (to replace the assistant mechanic who was promoted to Assistant Superintendent).
- **Consensus** - The Borough Administrator reported that we have in the budget and approved the need for a part time clerk for the court. We have done a search and no one applied. During the interview process for a clerk in the finance/tax office, we came across a viable candidate. We will be interviewing to fill the part time position, however, due to new requirements by the court regarding the rehabilitation of individuals found guilty of substance abuse crimes there will be added work to the court staff. The Administrator mentioned to Council that due to the increase of work in the Court Office, in the future we should consider a full time position. The CEO feels that we could afford to go full time now. Borough Administrator will look into the new requirements and added responsibilities.
- Borough Administrator has been advised that there are ongoing issues with residents unable to afford their rent and the exorbitant increases in rent. He will discuss this matter with the Borough Attorney - and the potential for additional senior housing.
- Borough Administrator will be looking into the potential of the American Legion property housing a Community Garden.

PRIVILEGE OF THE FLOOR

Mayor Madden opened the Public Portion of the meeting. Seeing that there was no public participation, Mayor Madden closed the public portion of the meeting.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 255-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Approval of the Tax Collector's July & August 2022 Cash Receipts

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 256-2022

AWARDING THE BID FOR THE ROUTE 28 STREETSCAPE PROJECT TO BLACK ROCK ENTERPRISES IN THE AMOUNT OF $1,298,189.00

WHEREAS, the Borough of Middlesex Administration and Borough Engineer, Colliers Engineering & Design have determined that there is a need for the acquisition of the following goods and services: Route 28 Streetscape Project; and

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for the Route 28 Streetscape Project were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, six (6) bids were received and read out loud in public on July 19, 2022, for the Streetscape Project; and

WHEREAS, the following bids listed below were received for this project:

1) S. Batata Construction, Inc. $997,830.00
238 Ernston Road, Parlin, NJ

2) Black Road Enterprises $1,298,189.00
1316 Englishtown Road, Old Bridge, NJ

3) Seacoast Construction, Inc $1,369,710.50
15 Addington Ct, East Brunswick, NJ

4) Capital Paving & Contracting $1,497,079.00
67 Beaver Ave, Annandale, NJ

5) Berto Construction $1,611,218.10
625 Leesville Ave, Rahway, NJ

6) Flanagan's Contracting Group, Inc $1,747.584.00
Hillsborough, NJ

WHEREAS, Pursuant to N.J.S.A. 40A:11-23.3, the lowest responsible bidder, S. Batata Construction withdrew his bid for technical reasons; and

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

1) Pursuant to N.J.S.A. 40A:11-23.3, the governing body here by authorizes S. Batata Construction to withdraw.

2) At the recommendation of the Borough Engineer, the Mayor and governing body hereby awards the contract for the Router 28 Streetscape Project to Black Rock Enterprises as the lowest responsive, responsible bidder in the amount of $1,298,189.00.

3) The Mayor and Borough Clerk are hereby authorized to execute the Borough standard form of Contract for Goods and Services referenced herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.

4) The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Borough Engineer, Borough Attorney, and Black Rock Enterprises.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies funds are available in the following accounts:

1) C-04-19-962-000-050 - Bound Brook Rd Streetscape - $737,700.26
2) C-04-19-979-000-093 - 2019 Capital Road Improvements - $305,200.00
3) C-04-22-062-000-086 - 2022 Capital Road Improvements - $255,288.74

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 257-2022

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

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

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy

has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 258-2022

AUTHORIZING THE TAX COLLECTOR TO WAIVE AND/OR ADJUST SEWER BILLS ON VARIOUS PROPERTIES

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;

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

Block/Lot: 114 / 2
Original Amount: $147.99
New Amount: $0.00

Block/Lot: 116 / 15
Original Amount: $380.56
New Amount: $0.00

Block/Lot: 114 /11
Original Amount: $169.14
New Amount: $0.00

Block/Lot: 111 /10
Original Amount: $126.86
New Amount: $0.00
Refund Amount: $126.86

Block/Lot: 290 / 1
Original Amount: $26,022.42
New Amount: $18,215.69

Block/Lot: 114 / 9
Original Amount: $285.42
New Amount: $0.00

Block/Lot: 145 /11
Original Amount: $454.55
New Amount: $0.00

Block/Lot: 116 / 14
Original Amount: $42.30
New Amount: $0.00

Block/Lot: 86.02 /23
Original Amount: $581.42
New Amount: $0.00

Block/Lot: 86.02 / 22
Original Amount: $1,384.82
New Amount: $0.00

Block/Lot: 110 / 12
Original Amount: $158.57
New Amount: $0.00

Block/Lot: 86.04 /15
Original Amount: $211.42
New Amount: $0.00

Block/Lot: 81/13
Original Amount: $591.98
New Amount: $0.00

Block/Lot: 114 / 12
Original Amount: $84.56
New Amount: $0.00

Block/Lot: 293 /3.01
Original Amount: $401.71
New Amount: $0.00

Block/Lot: 329 / 33
Original Amount: $940.82
New Amount: $0.00

Block/Lot: 22.03 / 3.25
Original Amount: $1,818.24
New Amount: $0.00

Block/Lot: 70.08 / 11.09

Original Amount: $116.28
New Amount: $0.00

Block/Lot: 44 / 17
Original Amount: $105.72
New Amount: $0.00

Block/Lot: 7.04 / 6
Original Amount: $95.14
New Amount: $0.00

Block/Lot: 188 / 7
Original Amount: $126.86
New Amount: $0.00

Block/Lot: 341 /1.01
Original Amount: $23,921.59
New Amount: $0.00

Block/Lot: 71.01 / 17.01
Original Amount: $517.99
New Amount: $0.00

Block/Lot: 75 / 4.01
Original Amount: $74.00
New Amount: $0.00

Block/Lot: 4.01 / 8
Original Amount: $52.86
New Amount: $0.00

Block/Lot: 109 / 8
Original Amount: $1,004.26
New Amount: $0.00

Block/Lot: 293 / 3.02
Original Amount: $655.41
New Amount: $0.00

Block/Lot: 293 / 3.04
Original Amount: $137.42
New Amount: $0.00

Block/Lot: 123 / 10
Original Amount: $486.27
New Amount: $0.00

Block/Lot: 25 / 19
Original Amount: $475.70
New Amount: $0.00

Block/Lot: 321 / 6
Original Amount: $137.42
New Amount: $0.00

Block/Lot: 111 / 9
Original Amount: $634.27
New Amount: $0.00

Block/Lot: 320 / 1.01
Original Amount: $10.56
New Amount: $0.00

Block/Lot: 86 / 22
Original Amount: $983.12
New Amount: $0.00

Block/Lot: 150 / 12
Original Amount: $507.41
New Amount: $0.00

Block/Lot: 40 / 48
Original Amount: $105.72
New Amount: $0.00

Block/Lot: 113 / 6.01

Original Amount: $1,596.24
New Amount: $0.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 259-2022

AUTHORIZING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICE AGREEMENT WITH RUTGERS UNIVERSITY BEHAVIORAL HEALTH CARE EAP AND THE BOROUGH OF MIDDLESEX EFFECTIVE JULY 1, 2022 - JUNE 30, 2023

The Governing Body authorizes the Mayor to execute the Professional Service Agreement with Rutgers Biomedical and Health Sciences - University Behavioral Health Care and the Borough of Middlesex effective July 1, 2022 - June 30, 2023. At the expiration of this contract the Contract will automatically renew for an additional one-year term.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 260-2022

APPROVING CHANGE ORDER #1 IN THE AMOUNT OF $15,635.53 FOR THE 2020 ROAD PROJECT (HARRIS AVENUE AND CHESTNUT STREET)

WHEREAS, Reivax Contracting Corp., was awarded the contract for 2020 Road Project (Harris Avenue and Chestnut) on September 14, 2021 in the amount of $475,977.80; and

WHEREAS, Change Order #1, is for $51,635.53 for adjustment for As-Built quantities. This will bring the total contract amount for this project to $527,613.33; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following change order is hereby approved.

Original Contract Sum:	$475,977.80
Change Order #1	$ 51,635.53
NEW CONTRACT SUM:	**$527,613.33**

NOW FURTHER BE IT RESOLVED that the Treasurer hereby certifies that the funds in the amount of $51,635.53 are available in 2020 Capital Road Improvements, Account No. C-04-20-002-000-086.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 261-2022

AUTHORIZING THE TAX COLLECTOR TO WAIVE AND ADJUST SEWER BILLS ON VARIOUS PROPERTIES

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;

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

Block/Lot: 344 /3
Original Amount: $120,748.34
New Amount: $0.00

Block/Lot: 6 / 2.02
Original Amount: $12,349.65
New Amount: $0.00

Block/Lot: 6 / 2.02
Original Amount: $15,830.79
New Amount: $0.00

Block/Lot: 259 /1
Original Amount: $211.42
New Amount: $0.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 262-2022

APPROVING THE CONTRACT FOR THE MIDDLESEX LIBRARY RTU REPLACEMENT PROJECT TO HANNA'S MECHANICAL CONTRACTORS IN THE AMOUNT OF $129,250.00

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for Middlesex Borough Library RTU Replacement were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, on August 17, 2022, four (4) bids were received and read out loud for the Middlesex Borough Library RTU Replacement; and

WHEREAS, listed below are bids received for said project:

1) Hanna's Mechanical Contractors $129,250.00
   Milltown, NJ
2) All coast Service, Inc $138,170.00
   Neptune, City, NJ
3) WHL Enterprises, Inc. $166,400.00
   Metuchen, NJ
4) K&D Contractors $213,000.00
   Kenilworth, NJ

WHEREAS, Hanna's Mechanical Contractor's submitted the lowest, responsive bid in the amount of $129,250.00; and

WHEREAS, the Project Engineer, Timothy Conlon, recommends awarding the bid to Hanna's Mechanical Contractors, the lowest responsible bidder, in the total bid amount of $129,250.00 as contingent upon the Borough Attorney's review, availability of funds for this project; and

WHEREAS, the Borough Attorney has reviewed the bid proposal package of the lowest bidder, declares it to be in conformance with the Borough Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to Hanna's Mechanical Contractors, as the lowest responsible bidder; and

WHEREAS, funds are available to make such purchase or acquisition and have been certified as such by the local finance officer.

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

1. At the recommendation of the Project Engineer and Borough Attorney, the Mayor and governing body hereby awards the contract for the Middlesex

Library RTU Replacement Project to Hanna's Mechanical Contractors as the lowest responsible bidder in the amount of $129,250.00.

2. The Mayor and Borough Clerk are hereby authorized to execute the Borough standard form of Contract for Goods and Services referenced herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.

3. The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Project Engineer, Borough Attorney, and Hanna's Mechanical Contractors.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the amount of $129,250.00 in 2021 Capital Budget - Public Library, account number C-04-21-039-000-082.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 263-2022

ACCEPTING THE RESIGNATION OF CAROL VACCA S A SCHOOL CROSSING GUARD FROM THE POLICE DEPARTMENT EFFECTIVE SEPTEMBER 2, 2022

The Governing Body hereby accepts the resignation of Carol Vacca as a School Crossing Guard for the Police Department effective September 2, 2022.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 264-2022

ACCEPTING THE RETIREMENT OF LIEUTENANT CHAD CORNER FROM THE MIDDLESEX POLICE DEPARTMENT EFFECTIVE OCTOBER 1, 2022 AND AUTHORIZING HIS FULL ALLOWANCE OF $47,717.76 IN ACCORDANCE WITH THE PBA UNION CONTRACT

The Mayor and Council having accepted Lt Chad Corner's retirement effective October 1, 2022, hereby authorize the Treasurer to pay the full allowance of $47,717.76 in accordance with the PBA Union Contract in the regular Borough payroll of October 7, 2022. The benefits include the following:

32 Days Vacation Time	$ 17,551.36
440 Hours Compensatory Time	$ 30,166.40

TOTAL $ 47,717.76

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 265-2022

DECLARING VARIOUS COMPUTER/PHONE ITEMS THAT ARE RENDERED OBSOLETE AS SURPLUS *- Item Removed from Consent*

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

WHEREAS, the Borough of Middlesex intends to dispose of said obsolete, broken and no longer serviceable items stored at Borough Hall, with the exception of a specific "laptop of interest"; and

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

This resolution was adopted as amended to confirm that a specific "laptop of interest" is not included in the surplus that is rendered obsolete.

RESULT:	**ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 266-2022

APPROVAL OF THE WAIVER OF THE CONSTRUCTION AND ZONING PERMIT FEES FOR PARKER ENGINE AND HOSE CO. NO. 4

The Governing Body hereby approves waiving the Construction and Zoning Permit Fees for Parker Engine & Hose Co. No. 4 for the installation of solar panels.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 267-2022

APPROVING THE RELEASE OF THE SECURITY PERFORMANCE BOND AND CASH PERFORMANCE BOND FOR FISK ASSOCIATES

The Borough Engineer approves the release of the Security Performance Bond in the amount of $30,168.72 plus accrued interest and the Cash Performance Bond in the amount of $3,352.08 plus accrued interest for JLUB #2020-01, Fisk Associates.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 268-2022

AMENDING RESOLUTION NO. 136-2022 OF THE BOROUGH COUNCIL TO AMEND THE COMPENSATION TERMS OF INTERIM ADMINISTRATOR JOSEPH COSTA

WHEREAS, pursuant to Resolution No. 136-2022 of the Borough Council of the Borough of Middlesex, Joseph Costa of 4301 Symes Drive, Belle Mead, New Jersey was appointed Interim Borough Administrator on at at-will basis effective May 1, 2022;

WHEREAS, the aforementioned appointment was made on at-will basis with a temporary increase in Mr. Costa's current Borough salary of $30,000 per annum; and

WHEREAS, the Mayor and Borough Council, in consideration of the increase in the volume of work presently handled by Mr. Costa on behalf of the Borough and in relation to his interim appointment, now desires to amend Resolution No. 136-2022 to provide an increase in compensation; and

WHEREAS, the Mayor and Borough Council, in accordance with the foregoing, hereby amend Resolution No. 136-2022 to increase the amount of compensation from $30,000 per annum to $40,000 per annum, with said amendment being made retroactive to the date of the initial appointment; and

WHEREAS, all other terms, conditions, and stipulations of Resolution No. 136-2022 do hereby apply.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, Resolution No. 136-2022 is hereby amended replace the salary amount of $30,000 per annum with the salary amount of $40,000 per annum, with said increase payable to Joseph Costa retroactive to the appointment date specified in Resolution No. 136-2022; and

BE IT FURTHER RESOLVED that all other terms, conditions, and stipulations of Resolution No. 136-2022 do hereby apply.

BE IT FURTHER RESOLVED that the Mayor shall be charged with effectuating the purpose of this resolution pursuant to the foregoing and in compliance with the provisions of Chapter 68 of the Municipal Code of the Borough of Middlesex.

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 269-2022

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

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

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 270-2022

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) Contract Negotiations - Presbyterian Church; and (2) Real Estate Acquisitions - Potential Purchase/Transfer of Property; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of

Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

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

Contract Negotiations - Presbyterian Church

Real Estate - Real Estate Acquisition - Potential Purchase/Transfer of Property

ADJOURNMENT

The next Regular Meeting will be September 27, 2022

Respectfully yours,

Linda Chismar, RMC
Borough Clerk