



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, October 25, 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 -- **Absent**

Also Present:

Joe Costa Interim Administrator
Christopher Corsini Borough Attorney

Others Absent:

Mayor Madden amended Agenda to add to Executive Session Personnel-Retroactive Pay seconded by Council President Eodice and carried by a unanimous vote of Council.

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Bob Edwards from the Cultural & Heritage Committee

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2071-22 by title:

ORDINANCE 2071-22

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AND IMPROVEMENTS TO REAL PROPERTY FOR MUNICIPAL PURPOSES, APPROPRIATING \$1,300,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000.00 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

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 of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,300,000.00, said sum being inclusive of all appropriations heretofore made therefor, including \$1,060,313.97 grant funds expected to be received from the American Rescue Plan, and the sum of \$39,686.03 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$200,000.00, 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 to be undertaken consist of the acquisition of and improvements to real property for municipal purposes, located at 1190 Mountain Avenue in the Borough and identified as Block 219, Lot 1 on the Borough Tax Map, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, 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 \$200,000.00, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,300,000.00, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,300,000.00 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$39,686.03 down payment for said purposes, and the \$1,060,313.97 grant funds expected to be received from the American Rescue Plan.

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, 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 forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$200,000.00 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000.00 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 Borough 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 within the appropriation herein authorized 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. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Madden opened the Public Hearing on Ordinance No. 2071-22.

Tom Harrity, 107 Ramsey Road questioned if funds for the American Rescue Plan be used for the purchase of the Presbyterian Church and what happens if we do not get these funds?

Seeing that there was no further public participation, Mayor Madden closed the hearing on Ordinance No. 2071-22.

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

Borough Clerk Linda Chismar read Ordinance 2072-22 by title:

ORDINANCE 2072-22

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX,
COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 92, DEPARTMENT OF PUBLIC
RECREATION AND SENIOR SERVICES**

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

Chapter 92 shall be amended to read as follows:

Department of Public Recreation and Senior & Disabled Services

§ 92-1 Department established; head.

There shall be a Department of Public Recreation and Senior & Disabled Services, the head of which shall be the Director of Public Recreation and Senior & Disabled Services. The Director shall be responsible for the operations of the Department and shall be subject to the requirements as set forth in Chapter **68**, Article **VIII**.

§ 92-2 Purpose; structure.

- A. The Department of Public Recreation and Senior & Disabled Services shall be the department responsible for the planning, promoting, organizing and administering the recreation program for the community as a whole along with the events for senior citizens, the disabled, and persons of all ages in need of public assistance.
- B. The Department of Public Recreation and Senior & Disabled Services shall consist of two divisions, as provided in §§ **92-3** and **92-4** herein.

§ 92-3 Division of Recreation Program Services.

Within the Department of Public Recreation and Senior & Disabled Services, there shall be a division called "Recreation Program Services," which shall be under the supervision of the Director of Public Recreation and Senior & Disabled Services. This Division shall consist of members who provide recreation programs, events and services to all age groups.

§ 92-4 Division of Senior & Disabled Services.

Within the Department of Public Recreation and Senior & Disabled Services, there shall be a division called the "Senior Services & Disabled Division," which shall be under the supervision of the Director of Public Recreation and Senior & Disabled Services. This Division shall consist of members who will provide recreation programs and services to the senior population.

§125-2 Fees shall be amended to read as follows:

The license for the placing, operation, maintaining, or use of such amusement devices, or machines mentioned aforesaid shall be issued to and in the name of the proprietor of the premises where the machine or machines are to be installed, for the period commencing June 1 of each year to May 31 of the following year. The fee for the issuance of said license shall be \$150 for one machine (either jukebox or amusement) and a flat fee of \$350 for more than one machine (either jukebox or amusement).

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

Mayor Madden opened the Public Hearing on Ordinance No. 2071-22. Seeing that there was no public participation, Mayor Madden closed the hearing on Ordinance No. 2071-22.

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

Borough Clerk Linda Chismar read Ordinance 2073-22 by title:

ORDINANCE 2073-22

AN ORDINANCE AMENDING CHAPTER 420 (ZONING) SO AS TO UPDATE THE R-T ZONE AND REFLECT RECENT RECOMMENDATIONS FROM THE PLANNING BOARD

WHEREAS, the Borough's Zoning Ordinance, Chapter 420, reflects the Borough's desired control of parcels within the municipality; and

WHEREAS, the Borough's most recent Master Plan Re-Examination demonstrated certain changes recommended to the Borough's Zoning Ordinance; and

WHEREAS, the following changes have been recommended to the governing body from the Borough's Joint Land Use Board; and

WHEREAS, the following changes have been cleared by the administration and the Borough attorneys;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Chapter 420 entitled "Zoning" is hereby amended as follows:

SECTION I.

Section 420-49 entitled "R-T Residential - Transition District[.]" Subsection A, is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:

- (1) Detached single-family dwellings.
- (2) ~~Two family dwellings.~~ **[REMOVED]**
- (3) Nurseries and commercial greenhouses.
- (4) Churches and other places of worship.
- (5) Professional and general business offices.
- (6) Banks.
- (7) Community residences.

SECTION II.

Section 420-4 entitled "Zoning Map" and, therefore, the map on file in the Borough offices and incorporated in the Chapter 420 is hereby amended by this ordinance as follows:

- 1) Block 317, Lot 7 is hereby amended to be designated as within the M - Municipal District.
- 2) Block 265, Lot 25 is hereby amended to reflect its correct designation as within the R-60B - Single-Family and Two-Family Residential District.

SECTION III.

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 IV.

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 V.

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

SECTION VI.

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

RESULT:	TABLED [UNANIMOUS]	Next: 11/22/2022 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn	
ABSENT:	Rex	

ADOPTION OF MINUTES

1. Approval of the October 11, 2022 Regular Meeting Minutes

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

MAYOR'S REPORT**Mayor Madden made the following comments:**

Clarification of Interpretive Statement for the upcoming referendum regarding Cannabis:

We have received several inquiries from residents concerning the municipal referendum on this November's ballot regarding marijuana facilities in the Borough. Please note that this referendum is non-binding and does not compel action one way or another. Further action would be required by the Borough Council to change the current Ordinance.

Unresolved problem with the Creighton Lake pollution (E.coli Bacteria):

August 2, 2021, there was a major water main break in Piscataway, owned by New Jersey American Water Company. Consequently, several sanitary sewage lines heavily discharged effluent directly into the Ambrose Brook leading into the Creighton Lake. In addition, chemical overflow from a local company, which was legally discharging, wound up diverting its flows to the sanitary effluent specifically due to the water main break exacerbating this problem. Within three days, there was a massive fish kill of approximately 11,000 fish.

The next unpleasant event occurred on August 26, 2021, with Hurricane Ida, which further produced more environmental damage to Middlesex Borough. Shortly thereafter, I received a direct call from the Governor asking if we need any help. Since New Jersey American promised to provide financial assistance to restore any damage from the main break I reached out to all parties who told me that they would help, including the Chief of Staff of the DEP and other government agencies. Unfortunately, the election concluded and then after many phone calls, crickets. I have a scheduled phone conference with Mickey Gross, the division head of the Environmental Department of Middlesex County.

The bottom line is that this dangerous type of pollution is getting worse. The E.coli levels tested in the most

recent testing offered by Middlesex County are now “off the charts”.

I am demanding that New Jersey American Water Company keeps its promise and covers the cost of hydraulic dredging of our Creighton Lake.

COUNCIL MEMBER REPORTS

Council President Eodice

No Report Was Given

Councilman Carnes

No Report Was Given

Councilman Conahan

Councilman Conahan made the following comments:

Swim Pool Commission reported that there was an even amount of residents memberships verses non-resident memberships for the year. Plans are being finalized for the slide project.

Coffee with a Cop went well. Thank you to the owners of Hero’s World for hosting/participating.

The Board of Education meeting focused on plans to replace the track and upgrade the football field.

Recreation will be starting Basketball and Wrestling in the next few weeks. They are planning a Bon Fire event for late February.

Holiday Cards will be sent out soon to members of our Boards, Committees and Commissions.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

Highlights of the September Police Report: Calls for Service 2168, Adult Arrests 6, DWI 4, MV Summons 245, Crashes 37, Reportable Crimes 10.

Coffee with a Cop started up again and was a great success. Posters will be going up around town for Operation No Sale. October 29th from 10am to 2pm is the Drug Take Back event. The Police Department is participating in Wear Pink for A Cause for Breast Cancer Awareness. October 5th through November 1st is the Fall Food Drive sponsored by the Police. On October 26th in Metuchen the 2022 Blue Mass honoring Law Enforcement will be held.

Councilman Quinn

Councilman Quinn made the following comments:

The Rabies Clinic will be held November 5th.

Councilman Rex

Councilman Rex was absent.

ADMINISTRATOR'S REPORT

- **Borough Phone System & Security System** - Borough Administrator indicated that we have approved (as we have enough in the buildings and grounds budget) for a baseline security system to be installed at Borough Hall. Also, the Administrator is working with IT to work on getting telephone system to run smoothly or replace it.
- **Master Plan / Zoning Changes**- The Ordinance tonight re-zoning the Lincoln Park Stature to Municipal and eliminating 2 family dwellings on Union (R-T zone) will go to the JLUB for the “not inconsistent” review, then back to Council for the November 22 meeting for public comment and final adoption. At the November 22 meeting an ordinance will be introduced rezoning the Presbyterian Church to M for municipal and upping the minimum square footage for a single bedroom apartment from 600 to 1,000 sq..ft. There will be an exception for SRC (Senior) zoned housing.
- **Dog Park - Community Garden** - We are working towards getting this done and are currently awaiting quotes for fencing. We have estimates from 2 vendors on fencing, and awaiting 3RD. The cost is roughly \$25K
- **Bus Shelter** - The Administrator reported that this shelter should be completed in about a month at Harris and Union. The NJDOT will then replace the shelter in front of Superfoods and Hampton Garden Apartments.
- **Haunted Walk through the rec center** - This program was a total success - There were about 100 kids plus parents. The Library provided the sweets while rec provided the spooky. Seniors are having a Halloween party on Wednesday. The Flu clinic is scheduled for Monday. The Seniors also have a full bus going to peddler’s village on Thursday and the Nov/Dec newsletter should be in mailboxes by next week.
- **Best Practices** - The Administrator mentioned that every year the Borough must complete the Best Practices survey for the State. This questionnaire makes sure we are abiding by certain guidelines and our answers determine whether the town will continue to receive our State Aid. Our CFO has begun working on this survey this week and it has a submission deadline of November 10th. Upon completion, the CFO will send a copy to the Administrator and all members of the Governing Body.
- **Grant Writers** - The Administrator mentioned in a previous report, that he believes the Borough can benefit from a professional grant writing vendor. He will be attending the League this year to meet with at least 3 grant writing vendors to see what types of services are available to the borough. We will look to add grant writing to our RFP’s for professional services this year, and the Administrator will look for a clearer picture of what we will need.

PRIVILEGE OF THE FLOOR

Dave Polakiewicz, 240 Hazelwood Avenue, asked if the Mayor and Council are prepared for potential litigation to get the Creighton Lake cleaned up, and if all the fish that inhabited the pond previously are all deceased. He asked where the proposed location of MB1 would be, and whether there were any traffic concerns for the area.

Bob Edwards, 243 Hazelwood Avenue, asked the Mayor and Council if anyone could comment on the loss or theft of two Borough Cell Phones. Additionally he asked what the cost to replace a Borough phone would be.

James Barre, Princeton NJ, introduced himself as an owner of MB1, stating that they are a small cultivation facility. The company is moving through the process of getting all the approvals and wanted to introduce themselves to the Mayor and Council.

Tom Harrity, 107 Ramsey Road, stated that the Board of Health has also been interacting with several County and State personnel to find a resolution for the Creighton Lake issue.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 298-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the September, 2022 Police Report.
2. Acceptance of Brian Oliver as a driver for truck 25 for the year 2022.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 299-2022

APPROVAL OF THE REIMBURSEMENT OF \$25.00 FOR A TEMPORARY BOARD OF HEALTH MERCANTILE LICENSE (FOOD TRUCK FESTIVAL) FOR CHRIS CURADO, JERSEY CITY, NEW JERSEY

The Governing Body hereby approves the reimbursement of \$25.00 for the temporary Board of Health Mercantile License to Chris Curado, 27 Reservoir Ave, Jersey City, NJ, 07307 as they did not participate in the October 8, 2022, Food Truck Festival at Mountain View Park.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 300-2022

ACCEPTING THE RESIGNATION OF SHONDA SANCHEZ FROM THE OFFICE OF AGING AND SENIOR & DISABLED SERVICES EFFECTIVE OCTOBER 21, 2022

The Governing Body hereby accepts the resignation of Shonda Sanchez from the Office of Aging and Senior & Disabled Services effective October 21, 2022.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 301-2022

AUTHORIZING THE REIMBURSEMENT OF THE 2022-2023 MERCANTILE LICENSE TO SERGIO LARANJEIRO, 210 LUCIA STREET, MIDDLESEX, IN THE AMOUNT OF \$200.00

The Governing Body hereby approves the reimbursement of \$200.00 for the 2022-2023 Board of Health Mercantile License to Sergio Laranjeiro, 210 Lucia Street, Middlesex, NJ as he has withdrawn his application at this time.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 302-2022

AUTHORIZING THE TAX COLLECTOR TO ADJUST OFF 4TH QTR 2022, AND 1ST AND 2ND QTR 2023 TAXES FOR BLOCK 4 LOT 4

WHEREAS, Block 4 Lot 4 , 4 Valley Brook Drive , was approved and coded for 100% Exempt Disabled Veteran in the Tax Assessor's records on 1/26/2022, and

WHEREAS, Block 4 Lot 4, 4 Valley Brook Drive, then sold on 6/1/2022

WHEREAS, the Tax Assessor's records are a year ahead, and

WHEREAS, the Tax Assessor put Block 4 Lot 4 back on the books, which billed for Final 2022 and Preliminary 2023, and;

WHEREAS, the property was also included in the Added/Omitted for 2022, therefore doubling the taxes billed and due, and

NOW THEREFORE, the Tax Collector is authorized to adjust off the following taxes on the Block 4 Lot 4 for the amounts below;

2022 Qtr 4 - \$4,159.96

2023 Qtr 1 - \$1,782.86

2023 Qtr 2 - \$1,782.85

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 303-2022

APPROVING THE HIRING OF JULIA JELALL OF SOUTH PLAINFIELD, NJ AS A FULL-TIME VIOLATIONS CLERK IN THE MUNICIPAL COURT AT AN ANNUAL SALARY OF \$40,000 EFFECTIVE OCTOBER 31, 2022

The Governing Body hereby approves the hiring of Julia Jelall from South Plainfield, NJ as the Full-Time Violations Clerk for the Municipal Court with an annual salary of \$40,000 effective October 31, 2022, pending a satisfactory physical and background check.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 304-2022

**THE CFO/TREASURER HEREBY AUTHORIZES THE TRANSFER OF FUNDS FOR THE
2022 OPERATING BUDGET AND 2022 SWIM POOL BUDGET WITH AN EFFECTIVE
DATE OF NOVEMBER 1, 2022 - *Item Removed from Consent***

The CFO/Treasurer hereby authorizes the transfer of funds for the 2022 Operating Budget and 2022 Swim Pool Budget with an effective date of November 1, 2022:

Department	From	To
Administrator S/W	\$50,000.00	
Administrator O/E - CEU Education	\$500.00	
Administrator O/E - Printed Materials	\$1,200.00	
Tax Collector S/W	\$15,000.00	
Engineering O/E - General	\$25,000.00	
Joint Land Use Board O/E - Legal	\$5,700.00	
Roads Dept S/W	\$40,000.00	
Code Enforcement S/W	\$7,500.00	
Multi Family Solid Waste	\$14,600.00	
Senior Bus Transport S/W	\$10,000.00	
Street Lighting	\$10,000.00	
Code Enforcement O/E - Vacant Prop		\$5,500.00
Roads O/E - Equipment Repair		\$28,000.00
Garbage O/E - Vehicle Maintenance		\$10,000.00
Parks Dept S/W		\$46,000.00
Electricity		\$10,000.00
Diesel Fuel		\$10,000.00
Gasoline		\$20,000.00
Senior Nutrition S/W		\$9,000.00
Sewer Dept S/W		\$5,000.00
Infrastructure Loan		\$36,000.00
	\$179,500.00	\$179,500.00

Swim Pool - O/E	\$18,500.00	
Swim Pool - S/W		\$17,000.00
Swim Pool - Social Security		\$1,500.00
	\$18,500.00	\$18,500.00

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 305-2022

CANCELLING VARIOUS DEDICATION BY RIDER ACCOUNTS AND APPROVING OF THEIR TRANSFERS

WHEREAS, there was a Dedication by Rider fund that was created for a specific purpose and;

WHEREAS, there is no longer a need for this Dedication by Rider, but there remains a balance in the account;

THEREFORE BE IT RESOLVED, that the balance these Dedication by Riders be transferred to another qualified Dedication by Rider or to Miscellaneous Revenue Not Anticipated.

Account Name	Transfer From		Transfer To
Escrow Unclaimed Funds	\$15,812.00		
Misc Revenue Not Anticipated			\$15,812.00
Police Application Fees	\$318.85		
Misc Revenue Not Anticipated			\$318.85
Police - DARE	\$1,635.00		
Police Community Education			\$1,635.00

Police 911 Fund	\$19.84		
Police Donations			\$19.84
Sanitary Sewer	\$880.00		
Misc Revenue Not Anticipated			\$880.00
Special Inspection	\$3,672.28		
Misc Revenue Not Anticipated			\$3,672.28
UFC Dedication Penalties	\$53.86		
Misc Revenue Not Anticipated			\$53.86
Uniform Fire Safety Penalties	\$12,405.53		
Misc Revenue Not Anticipated			\$12,405.53
100th Anniversary	\$2,993.27		
Misc Revenue Not Anticipated			\$2,993.27
	\$37,790.63		\$37,790.63

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 306-2022

CANCELLING AN IMPROVEMENT AUTHORIZATION FOR THE RESURFACING OF THE SWIM POOL, REPLACEMENT OF SKIMMER LINES AND DECKING AND ADDITION TO EXISTING FILTER HOUSE

WHEREAS, there was an improvement authorization that was funded in total or in part by the authorization of bonds or down payment, for the Resurfacing of the Swim Pool and Replacement of Skimmer Lines and Decking and Addition to existing Filter House, and;

WHEREAS, there is an unexpended balance of aforementioned improvement authorization and no further expenditures will be disbursed from said authorization;

THEREFORE BE IT RESOLVED, that the balance of the improvement authorization for the Resurfacing of the Swim Pool and Replacement of Skimmer Lines and Decking and Addition to existing Filter House be cancelled and the authorization for bonds be cancelled.

Ordinance# 1771-10

Ordinance Adoption Date: 7/27/2010

Original Amount Authorized: \$350,000.00

Total Cancellation: \$93,670.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 307-2022

**CANCELLING IMPROVEMENT AUTHORIZATIONS AND AUTHORIZING A CREDIT TO
EITHER CAPITAL SURPLUS, REDUCE GRANTS RECEIVABLE OR REDUCE THE
DEFERRED CHARGES UNFUNDED**

WHEREAS, there are certain improvement authorizations that were funded in total or in part by proceeds of bonds issued, grants awarded or through the utilization of Capital Surplus, and

WHEREAS, there are unexpended balances of aforementioned improvement authorizations and no further expenditures will be disbursed from said authorizations.

THEREFORE BE IT RESOLVED, that the attached listing of balances of improvement authorizations be cancelled and credited to either the Capital Surplus or to reduce the Grants Receivable or to reduce the Deferred Charges Unfunded, as appropriate.

Ordinance #	Improvement Description	Ordinance Date	Original Amount Authorized	Total Cancellations	Capital Surplus	Deferred Charges Unfunded	Grants Receivable	Grants Reserve
1808-12	FEMA Property Acquisition	3/27/2012	\$2,540,000.00	\$88,415.99		\$88,415.99	\$166,547.55	\$166,547.55
1855-14	2014 Various Improvements	9/9/2014	\$763,325.00	\$0.00			\$125,000.00	\$125,000.00
1857-14	Marlborough Ave	9/9/2014	\$332,000.00	\$25,576.73		\$25,576.73		
1893-16	2016 Various Improvements	10/11/2016	\$614,202.14	\$221,560.18		\$221,560.18		
1909-17	2017 South Ave	2/28/2017	\$400,000.00	\$0.00			\$25,199.16	\$25,199.16
1920-17	2017 Various Improvements	6/13/2017	\$1,837,500.00	\$98,611.75	\$79,441.75	\$19,170.00		
1922-17	Warrenville Road	8/8/2017	\$400,000.00	\$152,836.13		\$152,836.13		
1924-17	George Ave	9/19/2017	\$514,600.00	\$48,729.32	\$10,440.32	\$38,289.00		
				\$635,730.10	\$89,882.07	\$545,848.03	\$316,746.71	\$316,746.71

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 308-2022**REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR POLICE COMMUNITY EDUCATION REQUIRED BY N.J.S.A. 40A:5-29**

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

WHEREAS, NJSA 40A:5-29 provides for the receipt of funds for Police education programs for youth services by the municipality to provide for the operating costs to administer this act; and

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

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

1. The Governing Body does hereby request permission of the Director of Local Government Services to pay expenditures, related to education programs for youth services, from the Police Community Education Fund NJSA 40A:5-29.
2. The Clerk of the Borough of Middlesex, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 309-2022**REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR OLDER AMERICANS ACT PROGRAM REQUIRED BY N.J.S.A. 40A:5-29**

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

WHEREAS, NJSA 40A:5-29 provides for the receipt of funds for Older Americans Act Programs by the municipality to provide for the operating costs to administer this act; and

WHEREAS, NJSA 40A:4-39 provides the dedicated revenues anticipated from the Older

Americans Act Programs are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by the statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of Local Government Services to pay expenditures from the Older American Act Program NJSA 40A:5-29.
2. The Clerk of the Borough of Middlesex, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 310-2022

THE GOVERNING BODY APPROVES THE CONTRACT FOR FLOOR MAT SERVICES TO NATIONAL DUST CONTROL FOR A (1) YEAR CONTRACT EFFECTIVE JANUARY 1, 2023 - DECEMBER 31, 2023

WHEREAS, request for quotes were solicited on October 3, 2022 for Floor Mat Services for Borough Hall, Recreation/Senior Building and Police Department;

WHEREAS, two (2) quotes were received, quote listed below:

National Dust Control
200 Blackford Avenue, Middlesex
Yearly Amount: \$5,923.96

Cintas Corporation No.2
51 New England Ave, Piscataway
Yearly Amount: \$7,134.92

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the contract for Floor Mat Services for a (1) year contract beginning January 1, 2023 and ending December 31, 2023 to National Dust Control.
2. The Governing Body authorizes the Mayor to execute said contract.

NOW FURTHER BE IT RESOLVED, funds in an amount not to exceed \$5,923.96 will be allocated from the 2023 Operating Budget.

Caroline Benson, Treasurer

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 311-2022

**AUTHORIZING THE TAX COLLECTOR TO CONDUCT A TAX SALE FOR UNPAID
MUNICIPAL CHARGES - *Item Removed from Consent***

WHEREAS, The Municipal County and Sewerage Act, through N.J.S.A. 40A:26A-12, establishes that unpaid sewerage system connection fees shall be a first lien or charge against the property benefitted therefrom; and

WHEREAS, that same statutory section provides that "liens levied in accordance with this section shall be enforceable in the manner provided for real property tax liens in [the tax sale law]."

WHEREAS, the Administration has determined that unpaid sewer connection fees exist for improvements installed on Block 348, Lot 1.01, better known as 144-150 Lincoln Boulevard in the Borough; and

WHEREAS, although this site is a redevelopment site subject to the various prior agreements by and between the Borough and designated redevelopers, including, but not limited to, 150 Lincoln Boulevard, LLC; 150 Lincoln Boulevard Urban Renewal, LLC; Living Lofts Urban Renewal, LLC; RK Middlesex Urban Renewal, LLC, and/or 150 Lincoln Development Holding Company, L.P., there remains an unpaid sewer connection fee of \$58,000.00 plus interest; and

WHEREAS, the Borough administration has determined that such sewer connection fee should be treated as unpaid real property tax and subject to a future tax sale and lien to enforce the Borough's interest in receiving payment for said connection fee;

NOW THEREFORE IT BE RESOLVED, by the Borough Council of the Borough of Middlesex, in the County of Middlesex and in the State of New Jersey, that the tax collector is hereby authorized to include the aforementioned unpaid sewer connection fees as unpaid real estate taxes and include the property in the next scheduled tax sale.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 312-2022

SUPPORTING MB1 INDUSTRIES LLC AS THE OPERATOR OF A CLASS 1 CANNABIS CULTIVATION FACILITY TO BE LOCATED IN THE BOROUGH OF MIDDLESEX

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed cannabis businesses, specifically including a Class 1 Cannabis Cultivation license; and

WHEREAS, Pursuant to N.J.A.C. 17:30-7.1, N.J.A.C. 17:30-7.8, and N.J.A.C. 17:30-7.10 Alternative Treatment Centers (“ATCs”) and applicants for cannabis business licenses (“license-applicants”) need to submit proof of local support in the form of municipal approval as part of either their certification (ATCs) or application (cannabis business license applicants).

WHEREAS, if the municipality has a governing body, the proof of local support is to be in the form of a resolution by the governing body that includes: a. The license applicant’s legal name under which they adopted is registered to do business in the State of New Jersey; b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Borough or State would not exceed that limit;

WHEREAS, on July 30, 2021 the governing body of the Borough of Middlesex adopted Ordinance 2037-21, an ordinance to amend Part II, General Legislation, Chapter 420, Zoning, of the revised general ordinances of the Borough of Middlesex;

WHEREAS, Ordinance 2037-21 permits Class 1, Class 2, Class 3, Class 4 and Class 6 Cannabis uses under a License issued pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c.16), which includes all Cannabis uses except retail sales, as conditional permitted uses to operate within the existing Ind Industrial District (Section 420-56 of the Municipal Code) and within HI Heavy Industrial District (Section 420-57 of the Municipal Code);

WHEREAS, all other classes of Cannabis Licenses not specifically permitted in the Ind and HI Zoning Districts are strictly prohibited from operating in the Ind and HI Zoning Districts;

WHEREAS, each license shall be required to comply with the requirements of said Ordinance 2037-21;

WHEREAS, the issuance of a license to operate a Class 1 Cultivation License in the Ind and/or HI Zoning Districts does not exceed any licensing limits imposed in Ordinance 2037-21;

WHEREAS, MB1 Industries, LLC seeks to operate a to operate a Cannabis Establishment, Class 1 Cultivation, at 262 Lackland Drive, Block 293, Lot 8, which is located in the Ind Zoning District;

WHEREAS, the proposed use and business activities of MB1 Industries, LLC is permitted and is likely to have a positive impact on economic activity in the area with the creation of new employment opportunities, new tax ratables, and the promotion of commerce.

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

1. The above recitals are hereby incorporated as if restated herein in full.
2. The Mayor and Council of the Borough of Middlesex find and determine that MB1 Industries LLC has presented the Borough of Middlesex sufficient evidence that it will have control of a lawful site within an approved zone in order to operate a cannabis business within the Borough of Middlesex.
3. The Borough of Middlesex has not set a limit of the number of Class 1 licenses under the Ordinance. The issuance of a Class 1 license to MB1 Industries, LLC by the Cannabis Regulatory Commission would not exceed any limit on the number of licenses to be issued.
4. The Mayor and Council of the Borough of Middlesex formally express their support for MB1 Industries LLC with respect to its application to the New Jersey Cannabis Regulatory Commission for a Class 1 Cannabis License.
5. Nothing in this Resolution is intended to affirm that MB1 Industries LLC will ultimately be granted a license from the Borough of Middlesex to operate a cannabis business within the Borough of Middlesex, as evidence of compliance with the Borough of Middlesex's laws and regulations will be required to be demonstrated by the applicant at the appropriate time.
6. A certified copy of this resolution shall be provided to the appropriate representatives of MB1 Industries, LLC.
7. This Resolution shall take effect immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 313-2022

AMENDING THE HOURS OF PART TIME CUSTODIAN

WHEREAS, Resolution #138-17 set Bertha Gonzalez Ospina, Custodian, at 28 hours per week and;

WHEREAS, the Governing Body is amending Bertha Gonzalez Ospina, Custodian, to 15 hours per week for the purpose of cleaning Police Headquarters and;

WHEREAS, Bertha Gonzalez Ospina is authorized to retain all access and keys to the Municipal Building so as to access necessary storage areas as needed for custodial duties.

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

1. The Governing Body hereby amends the hours of Bertha Gonzalez Ospina to 15 hours per week.

This resolution shall take effect as of October 17, 2022

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 314-2022

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
ABSENT:	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 315-2022

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public including Potential Real Estate Acquisition, Contract Update on Presbyterian Church & Contract Negotiation - Senior Housing/Veteran's Preference; 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
ABSENT:	Rex

Potential Real Estate Acquisition

Contract Update on Presbyterian Church

Contract Negotiation - Senior Housing/Veteran's Preference

ADJOURNMENT

The next Regular Meeting will be November 22, 2022

Respectfully yours,

Linda Chismar, RMC
Borough Clerk