



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, November 22, 2022

7:00 PM

Municipal Building

MAYOR'S STATEMENT

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

SALUTE TO FLAG

ROLL CALL

Mayor John Madden
Council President James Eodice
Councilman Jeremiah Carnes
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 that the Agenda be Amended to Withdraw Ordinance No. 2078-22, Remove Resolution 321-2022 and Add Potential Real Estate Acquisition to Executive Session

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

PRESENTATIONS

APPOINTMENTS

1. Appointment of Mark Kranz, Mark Holmes & Mike Hompesch to the Cultural & Heritage Committee Expiring 12/31/23

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeremiah Carnes, Councilman
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn, Rex

2. Appointment of Dan Iskra to the Cultural & Heritage Committee Expiring 12/31/24

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeremiah Carnes, Councilman
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Conahan, Mikolajczyk, Quinn, Rex

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2074-22 by title:

ORDINANCE 2074-22

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 93, RECREATION AND PARKS IMPROVEMENT COMMITTEES, SECTION
93-2 MEMBERSHIP; TERMS; COUNCIL REPRESENTATIVE; FILLING OF VACANCIES**

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

Section 93-2 shall be amended to read as follows:

§ 93-2 Membership; terms; council representative; filling of vacancies

- 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 9 resident members and two resident alternates. There shall be ~~one~~ **two** representative council members on the Committee. Such members and alternate members shall be appointed by 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. After the conclusion of the initial terms as herein provided, all terms shall be for three years. The Council shall designate the alternate members as "Alternate No. 1", and Alternate No. 2." At meetings of the 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.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 12/20/2022 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 2075-22 by title:

ORDINANCE 2075-22

**AN ORDINANCE FOR THE REFURBISHMENT OF THE WATER SLIDE FOR THE
BOROUGH OF MIDDLESEX SWIM POOL AND APPROPRIATING \$35,000 FOR SUCH
PURPOSE**

BE IT ORDAINED by the Borough Council, in the Borough of Middlesex, in the County of Middlesex and State of New Jersey, as follows:

Section 1. The Borough of Middlesex, in the County of Middlesex, New Jersey authorizes the Refurbishment of the Water Slide for the Swimming Pool, including all work or materials necessary therefore or incidental thereto to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$35,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Swimming Pool Capital Fund Balance in the amount of \$35,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Middlesex may lawfully make as a general improvement.

Section 4. This Ordinance shall take effect immediately upon due passage and publication according to law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 12/20/2022 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 2076-22 by title:

ORDINANCE 2076-22

**AN ORDINANCE AMENDING CHAPTER 19 IN THE CODE OF THE BOROUGH OF
MIDDLESEX SO AS TO GUIDE THE HANDLING OF FUNDS FOR THE CULTURE AND
HERITAGE COMMITTEE**

WHEREAS, the Borough currently has a committee, created via ordinance, tasked with promoting cultural engagement and advancing the creative arts; and

WHEREAS, the committee is governed entirely by Chapter 19 in the Borough's Code of ordinances; and

WHEREAS, the committee currently in place provides for a number of artisan goals of the Borough but does not adequately address the handling of donations and/or grants; and

WHEREAS, the administration of the Borough has looked favorably at amending the ordinance to provide additional guidance; and

WHEREAS, such an ordinance has 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 19 of the code of the Borough of Middlesex is hereby amended as follows:

SECTION I.

Section 19-4 entitled "Organization" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. The duties of the Committee shall consist of engaging and encouraging cultural historic and artistic engagement, events and all related activities. These duties may include, but shall not be limited to, the advancement of the following:
- (1) Visual arts, including, but not limited to, sculpture, painting, drawing, architectural design, photography, motion pictures, and television.
 - (2) Literary arts, including, but not limited to, the writing of prose, poetry, drama and choreography.
 - (3) Performing arts, including, but not limited to, music, dance, poetry-reading, and theater.
 - (4) The collection and display of art objects.
 - (5) The preservation or commemoration of the culture and history of the Borough of Middlesex.
 - (6) Other activities which the Committee defines as advancing the creativity or culture in the Borough of Middlesex.
- B. The Committee shall advise the Mayor and the Borough Council on ways and means for the encouragement of creative talent within the Borough of Middlesex for the

preservation of the history and heritage of the Borough, and for the recognition of persons who have made outstanding contributions to the development, expansion, or preservation of culture and history in Middlesex, whether such person is or is not an artist.

- C. The Committee is encouraged to establish cooperative efforts to seek voluntary assistance from other sources of expertise consistent with its purpose.
- D. The Committee shall be authorized and encouraged to apply for and to accept grants and contributions under the auspices of and through the Borough of Middlesex from public and private sources to finance its initiatives. The Committee shall make no expenditure or commitment of Borough funds without the specific authorization of the Council, except that the Mayor, to the extent of staff availability, may authorize administrative staff support for grant applications and publicity. **This includes but is not limited to matching funds for grants, donations, and the like.**

E. The Borough shall set up a Dedication by Rider account for the Committee to:

(1) Deposit monies obtained from donations, grants or from budget appropriations set annually by the Borough through the budgeting process, specifically for the Cultural and Heritage Committee.

(2) Pay bills associated with events run by the Cultural and Heritage Committee.

F. All events and estimated expenditures must be approved by resolution of the governing body prior to the scheduling of any event.

G. A financial report detailing Year to date deposits and expenditures will be provided to the Committee Chairman prior to the first meeting of each month.

SECTION II.

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 III.

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 IV.

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

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: 12/20/2022 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 2077-22 by title:

ORDINANCE 2077-22

AN ORDINANCE AMENDING CHAPTER 420 (ZONING) SO AS TO ADJUST THE REQUIRED MINIMUM HABITABLE FLOOR AREA AND RE-ZONE BLOCK 219 LOT 1 TO 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 420-29 entitled "Minimum habitable floor area", is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. Every residential building shall have a minimum of ~~150 square feet~~ of habitable floor area, exclusive of basement area, per projected occupant. ~~For purposes of determining compliance with this section, the projected occupancy of residential units is determined to be two occupants per bedroom.~~
- B. Based upon the above standards, a minimum of ~~600~~ **1,500 square feet is required for two-bedroom and three-bedroom units, and 1,800 square feet for four-bedroom units.** ~~900 for three-bedroom units and 1,200 for four-bedroom units.~~ However, in no event shall a single-family unit be less than ~~600~~ **1,000** square feet. **This section shall not apply to units located in the Senior Citizen Residential District (SCR) district, which shall have a minimum of 500 square feet for a single bedroom unit.**

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 219, Lot 1 is hereby amended to be designated as within the M - Municipal 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:	FIRST READING [UNANIMOUS]	Next: 12/20/2022 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 2078-22 by title:

ORDINANCE 2078-22

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 liaison; 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 two representative Council members 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 liaison 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 liaison 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** ~~The Recreation Committee~~ **nor the Parks Improvement Committee** herein established shall ~~not~~ be deemed to be a park or recreation commission pursuant to N.J.S.A. 40:12-1 et seq., but such ~~Recreation Committees~~ shall have only those powers and duties as may be set forth herein or as may be more particularly provided by resolution of the Borough Council.
- D. There shall be no appropriation of public funds to the Recreation Committee **or the Parks Improvement Committee**, except as may be provided by the Borough Council for designated purposes consistent with the intent of this chapter. The Recreation Committee **and the Parks Improvement Committee** shall recommend to the Borough Council proposals, from time to time, as may be consistent herewith.
- E. The Borough shall obtain liability insurance coverage covering the approved activities under the jurisdiction of the Recreation Committee **and the Parks Improvement Committee**, the participants in those activities, the Borough of Middlesex and individual members of the Recreation Committee **and Parks Improvement Committee**.
- F. Neither the Recreation Committee **or Parks Improvement Committee**, nor any member or members thereof, shall have any power or right, express or implied, to bind or obligate the Borough of Middlesex or the Borough Committee, directly or indirectly.

SECTION VI.

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

SECTION VII.

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

The primary purpose of the Recreation Committee shall be to:

- A. Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.
- B. Provide recommendations **to the Parks Improvement Committee** for the orderly development of parks or other public lands in the Borough of Middlesex.
- C. Cooperate with the Middlesex County Department of Recreation in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County Recreation Department.

- D. Suggest improvements to the Parks Improvement Committee needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.
- E. Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.
- F. Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the Recreation Committee and the provisions of this chapter and subject to the limitations contained herein.

SECTION VIII.

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

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

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

SECTION IX.

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

Neither ~~The Recreation Committee~~ **nor Parks Improvement Committee** shall ~~not~~ act in any manner which would cause a forfeiture of any lands of the Borough of Middlesex. The

Borough reserves the right to limit the jurisdiction, purposes or programs of the Recreation Committee at any time by resolution of the Borough Council.

SECTION X.

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

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

SECTION XI.

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

SECTION XII.

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

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

SECTION XIII.

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

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

conclusion of which the Borough Administrator shall render a decision as soon as is practicable.

- C. Any party may appeal in the final instance the decision of the Borough Administrator to the Borough Council, within five days of the Borough Administrator's decision in writing to the Borough Clerk.

SECTION XIV.

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

SECTION XV.

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

SECTION XVI.

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

SECTION XVII.

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

RESULT:	WITHDRAWN
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ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

Mayor Madden opened the public hearing on Ordinance No. 2073-22. Seeing that there was no public comments, Mayor Madden closed the Public Hearing

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 October 25, 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:**

A Dept. of Army letter went out to residents on or about October 26, 2022 explaining this notification and identifying the water quality constituents within this low concentration plume of (VOC's). Listed were carbon tetrachloride, chloroform (the breakdown of carbon tet.) and trichloroethylene.

According to this report, approximately 260 properties are listed (from the fact sheet) in lots and blocks. Said properties are identified as simply being located within the boundary of the plume with no suggestion of contaminated private wells. In fact most of these properties are being serviced by public water already.

According to Mr. Daniel Kennedy, Project Manager for the USACE, there is no current information regarding any horizontal movement of the plume. The vertical movement however has been identified as moving deeper into the bedrock- now measured at about 330 feet. Interestingly, no radiologicals which were prevalent in the MSP have been detected in this plume.

Mr. Kennedy stated that the wells above the plume are not affected but still should have their water tested for contaminants. If contamination is present (at any level), the Dept. of Health should be notified and subsequent testing will be performed. Measures will be taken, either providing bottled water or remediation equipment to be installed for the resident who may most likely be able to hookup to municipal water at no charge.

This notification subjects the properties who may install a well within the plume to a well and land use restriction requiring them to get a DEP permit and be aware of the limitations associated with the property.

By the way a public meeting was held on August 31, 2020 to present the groundwater investigation findings with a proposed plan to address the contamination.

For any questions or concerns, please contact Mr. Daniel Kennedy directly. His cell number is 917-275-3373.

Creighton Lake Water Quality Update

11/07/2022

Most recent laboratory sampling of E. Coli

Sample from:	Results:
1. Dock near Dam	1,203.3 MPN/100ml
2. Middle Dock	1,203.3 MPN/100ml
3. Walking Bridge (footbridge)	410.6 MPN/100ml
4. Dock near Walking Bridge (footbridge)	579.4 MPN/100ml

I also requested an E.Coli sample from Lake Nelson in Piscataway. This required an OPRA request.

11/07/2022

Sample Result 11.0 MPN/100ml

Again, all 4 samples are unacceptably high. In my opinion, our target should be set at water quality standards for primary contact recreational water (eventual goal) criteria as determined by the EPA, Office of Water 820-F-058. Page 49 (of 69) of the document reveals the estimated illness rates for E. Coli in fresh water which are below consistently tested values at the Creighton Lake.

On November 3, 2022, the NJDEP division of Fish and Wildlife under Mr. Scott Collenberg (Senior Fisheries Biologist) came out to our lake to understand the impact of the large fish kill there last year for an electrofishing survey (capturing and measuring fish, etc.). This was in response to a strong email that I sent to the DEP Commissioner, Mr. Shawn Latorette.

Last week, Mickey Gross of the County Health Department, and other health officials there contacted me to determine the non-point contamination source. No sanitary leakage is emanating from our Borough lines according to Mr. Vidal of our DPW. The County will check with Piscataway.

Finally, we had a long virtual meeting late yesterday afternoon including the DEP, NJ American Water, Joe Costa, myself and others to discuss a resolve to our situation. Unfortunately, I found the meeting to be non-productive and ineffective. Gathering data, modeling and monitoring will not achieve our goals but prolong the problem.

COUNCIL MEMBER REPORTS

Council President Eodice

No Report Was Given

Councilman Carnes

Councilman Carnes made the following comments:

New appointments for Cultural Arts and Heritage Committee in the near future. Several items are being discussed and planned, including community gardens and flower town.

Parks Improvement Committee will be holding their first meeting soon.

The schools new Superintendent is Dr. Freeman.

A Volunteer tab will soon be see on the Borough Website to allow residents to more easily navigate the process who wish to get involved in the Borough.

Councilman Conahan

Councilman Conahan made the following comments:

Swim Pool met last week.

The Board of Education facilities meeting will be held Tuesday at 10am. The schools have a new superintendent.

The Tree Lighting will be December 4th from 4pm-6pm at Mountainview Park.

Thank you to Lenny, Chris and all the members of DPW involved in the dog park.

Thank you to the Borough Clerk, Linda Chismar for her work on the Holiday cards that will be going out to the volunteers shortly.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

OEM will be hosting several presentations in the near future, including a CPR training which is being held at the Library from 7pm-9pm November 30th and December 7th. Participation is only required for one evening. Thank you to Barbara Benson, Chrissy George and Lenny Vidal for putting this program together.

2481 calls for service, 5 Arrest, no DWI Arrests, Summons and Radar Summons are almost 400,

Congratulations to the winners of the recent election, and thank you Mr. Lella and Mr. Early for running.

Councilman Quinn

Councilman Quinn made the following comments:

The Board of Health has two spots open for anyone looking to get involved and become a member, please reach out to me if you are interested.

Happy Thanksgiving.

Councilman Rex

No Report Was Given.

ADMINISTRATOR'S REPORT

- ❑ **Borough Phone System & Security System** - The Administrator reported that the security system is being installed on (tentatively) November 30. In regard to the Phone system, we are waiting on a service contract to switch to Spectrotel. This should take them 5 to 7 business days to switch all lines over to the new system.
- ❑ **Dog Park - Community Garden** - The Dog Park is completed and the Administrator thanked Councilman Carnes, Councilman Conahan and the DPW for getting this done. The grand opening will be next Tuesday November 29th at 4PM. The DPW Superintendent is getting pricing together for the community garden fencing and the water line will be run in the Spring.
- ❑ **Grant Writers** - The RFP for a grant writer will be advertised on 11/28 with opening on 12/13. We will be looking for a grant writing company that finds/recommends grants, Research data required and writes the grant. Also, we would like them to assist with the administration of the grant and tracks the grant throughout its life.
- ❑ **2023 Reorganization Meeting** - The Borough Clerk is working on the reorganization meeting scheduled for January 03, 2023 at 7PM. Please come dressed for our fancy web site picture.
- ❑ **BA Position** - January 7th will be the first round of interviews. Depending on how many resumes we receive, we may have a round 1 (with about 6 candidates) followed by a second round of the top 2 or 3. The Administrator will send out resumes as they come in. If you see a resume you like let me and Linda know and we will schedule them for interview on the 7th.
- ❑ **Dedication by Rider** - Resolutions for dedication by rider accounts for Cultural & Heritage as well as for Parks Improvement will be approved this evening.
- ❑ **Max Vasile resignation** - We will be looking to seek candidates for Assistant Director of Recreation to replace Max.
- ❑ **Thanksgiving Holiday Bagels and Coffee** - The Administrator will be going over to DPW at 6AM, PD at 6:45AM and the Administrative Office at 9:00 AM. Office will close for the Holiday at 12 Noon.
- ❑ **FT Administrative Assistant Senior and Disabled Service Department** - (formerly Shonda's position) - A Consensus was obtained to offer the position to a successful candidate with a start date of 12/12. The Salary Range for this position is \$40K to \$55K. We will be offering \$43K - with \$5k increase after 2 years and completion of State Health Insurance Assistance Program
- ❑ **2023 Budget** - The Administrator indicated that as you may be aware, our CFO has begun the process of preparing for the 2023 Budget. It has been the Borough's goal since 2020 to increase our surplus from where it was (approximately \$325,000) in 2020. The purpose of increasing our surplus is so that the Borough can maintain its credit rating (currently we are at AA) and possibly improve our credit rating and therefore be in a better position to borrow money at more favorable terms. At this point the surplus is at (\$1.1M). Our goal is to get the surplus up too (\$3.5M). In order to do this, we need to be fiscally responsible as we plan for upcoming years as well as the fast-approaching 2023 budget year. That said, we face some very stiff challenges in 2023. First off, it is no secret that the State has increased our portion of our medical costs by \$500,000 (our

actual increase is more like \$836,955 which I will let Caroline go into greater detail. I have asked our CFO Caroline to come to tonight's meeting in case the Council had any questions regarding the budget process or this increase. In the next several weeks, Caroline, myself and department heads will begin the preparation for the 2023 budget and will be looking at areas where we can reduce expenses and increase non-tax revenues to minimize the impact of this increase. As the budget process proceeds, we will be setting up meetings starting in Mid-January. The meetings will be for each department and attendees will include department head, the CFO, the BA, the finance representative, and the Council rep from that department to review the budget as the preparation proceeds. Given the challenges we have been presented with (increase cost and a goal of increasing our surplus), I anticipate we will all need to meet several times to work through this. We all need to work closely on understanding our budgetary challenges and making sure we put the most fiscally responsible budget together for adoption.

- Film Ordinance - The Borough needs to make sure the Business Administrator is the "communication liaison" between any film crew and the film Committee. This is to ensure fast and efficient communication so the PD can be looped in quickly to address safety and traffic concerns. Also, the borough may want to look into communicating with the State Film Commission to see if there are any organizations looking to build a film studio. South Ave and parts of Lincoln would be ideally suited for such a site.

Borough CFO, Caroline Benson, attended the meeting and explained to Council some of the expected increases that are foreseen in the upcoming budget year which will increase the 2023 budget in the amount of \$1,105,237. Ms. Benson also explained the increase in Healthcare, as well as the State Statutory expenses required of the Borough. Also itemized were the 2022 one-time revenue sources that were seen for the 2022 year which included the \$68,282 in the Capital Fund Balance along with the View Sewer Tie-In in the amount of \$200,000.

PRIVILEGE OF THE FLOOR

Bruce Sanders, 10 Venice Avenue, commented on the referendum question that was defeated on the November 8, 2022 election. He also questioned whether the tax assessment will still be based on 2020 or will it be based on another year.

Frank Ryan, 303 Maple Street, commented on the recent election and the individuals who ran. He also commented that he believes that a fee to register two family homes would be a good source of revenue for the Borough.

Vincent Lella, 150 Oak Drive, congratulated the individuals who won the November 8, 2022 election. He commented on the fees for multi-family dwellings including inspection fees, stating that the current fees associated are fair, and he does not believe that increasing this would be beneficial to the property owners. He also expressed his desire to be involved in the Parks Improvement Committee.

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 316-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the September, 2022 and October, 2022 Tax Reports.
2. Acceptance of the October, 2022 Police Report.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 317-2022**APPROVING THE PURCHASE OF FIRE PROTECTIVE CLOTHING AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$64,094.22 FROM NJ STATE CONTRACT**

WHEREAS, the Fire Department of the Borough of Middlesex wishes to purchase fire protective clothing and equipment under the NJ State Contract #17-FLEET-00810; and

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

WHEREAS, Skylands Area Fire Equipment and Training LLC is under the NJ State Contract #17-FLEET-00810 for fire protective clothing and equipment; and

WHEREAS, the cost for the purchase of fire protection clothing and equipment is not to exceed \$64,094.22; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase fire protective clothing and equipment under NJ State Contract #17-FLEET-00810 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$64,094.22 are available in the following Fire Department Capital Budget account numbers:

C-04-19-979-000-075	\$123.88 (2019)
C-04-20-002-000-075	\$39,354.40 (2020)
C-04-21-039-000-075	\$24,615.94 (2021)

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 318-2022**APPROVING THE PURCHASE OF A STUMP GRINDER IN AN AMOUNT NOT TO EXCEED \$10,295.37 FROM THE EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM**

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative

Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase an SGX 60 Stump Grinder, under said CO-OP ESCNJ #18/19-25; and

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

WHEREAS, Wood Machinery is under the ESCNJ Cooperative Pricing System, CO-OP ESCNJ #18/19-25 through 02/21/2023 for Grounds Equipment; and

WHEREAS, the cost for the purchase of an SGX 60 Stump Grinder is not to exceed \$10,295.37; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of an SGX 60 Stump Grinder under ESCNJ Cooperative Pricing System be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$10,295.37 are available in Account No. C-04-22-062-000-078 (2022 Capital - Parks Dept).

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 319-2022

**AUTHORIZING THE TAX COLLECTOR TO WAIVE OR ADJUST SEWER BILLS ON
BLOCK 18 LOT 10**

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

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

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

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

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

Block/Lot: 18 / 10
Original Amount: \$486.27
New Amount: \$179.72

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 320-2022

THE GOVERNING BODY HEREBY HIRES MARIE FILIK AS A PERMANENT PART TIME ADMINISTRATIVE ASSISTANT FOR THE RECREATION DEPARTMENT AT \$15.00 PER HOUR, MAXIMUM OF 28 HOURS PER WEEK, PENDING A SATISFACTORY BACKGROUND CHECK, EFFECTIVE NOVEMBER 28, 2022

The governing body hereby hires Marie Filik as a permanent part time Administrative Assistant for the Recreation Department at \$15.00 per hour, maximum of 28 hours per week, pending a satisfactory background check, effective November 28, 2022

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 322-2022

AUTHORIZING THE PURCHASE AND INSTALLATION OF FENCING FOR THE MIDDLESEX DOG PARK IN THE AMOUNT OF \$25,000

WHEREAS, the Middlesex Department of Public Works wishes to purchase fencing for the Middlesex Dog Park; and

WHEREAS, three quotes were received for the purchase and installation of the fence from the following vendors:

- 1) Ashland Designs LLC - \$25,000.00
- 2) National Fence Systems, Inc. - \$30,100.00
- 3) York Fence Construction Co. Inc. - \$33,840.00

WHEREAS, the Department of Public Works and the Purchasing Agent recommend using Ashland Designs LLC for the purchase and installation of the fence in the amount of \$25,000.00; and

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

1. Based upon the recommendation of the Department of Public Works and the Purchasing Agent, the governing body hereby approves the purchase and installation of the fence for the Middlesex Dog Park in the amount of \$25,000.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in an amount \$25,000.00 are available from the 2019 Capital - Buildings & Grounds, Account No. C-04-19-979-000-083.

Caroline Benson, CFO

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 323-2022

**AUTHORIZING THE REIMBURSEMENT OF \$50.00 FOR THE 2022-2023 BOARD OF
HEALTH MERCANTILE LICENSE TO MANAV THAPAR, 301 LINCOLN BLVD,
MIDDLESEX NJ**

The Governing Body hereby approves the reimbursement of \$50.00 for the 2022-2023 Board of Health Mercantile License to Manav Thapar, 301 Lincoln Blvd, Middlesex, NJ as they were inadvertently charged an incorrect fee for said 2022-2023 Board of Health Mercantile License.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 324-2022

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE
DEPARTMENT OF THE ARMY RIGHT-OF-ENTRY FOR VARIOUS PROPERTIES
OWNED BY THE BOROUGH OF MIDDLESEX FOR THE FUSRAP MIDDLESEX
SUPERFUND SITE PROJECT**

The Governing Body hereby approve the Mayor and Borough Clerk to execute the Department of the Army Real Estate Right-of-Entry for various properties owned by the Borough of Middlesex including: (1) Voorhees Ave. right-of-way in front of 545 Voorhees Ave.; (2) Voorhees Ave. right-of-way in front of 621 Voorhees Ave.; (3) Voorhees Ave. right-of-way along South side of 601 Mountain Ave.; (4) Voorhees Ave. right-of-way in front of 725 Voorhees Ave.; (5) East Street right-of-way along east side of 861 Voorhees Ave.

This Right-of-Entry is for the permission for the purposes of performing environmental remediation activities under the Formerly Utilized Sites Remedial Action Program. (FUSRAP Project)

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 325-2022**AUTHORIZING THE PURCHASE OF A ROTARY SP102 LIFT (GARAGE LIFT) FOR THE DEPARTMENT OF PUBLIC WORKS IN AN AMOUNT NOT TO EXCEED \$27,418.50**

WHEREAS, the Department of Public Works wishes to replace the DPW Garage Lift;

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase a Rotary SP012 Lift under said ESCNJ #18/19-36; and

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

WHEREAS, Stertil-Koni, USA c/o Hoffman Services, Inc. is under the ESCNJ Cooperative Pricing System, ESCNJ #18/19-36 for Grounds Equipment; and

WHEREAS, the cost to remove existing inground lift and replace with a Rotary SP012 Lift is not to exceed \$27,418.50; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a Rotary SP102 Lift under ESCNJ Cooperative Pricing System, ESCNJ #18/19-36 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$27,418.50 are available in Account No. 2-01-26-290-000-117 (Road Dept - Equipment Purchase & Repair).

Caroline Benson, CFO

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 326-2022**ACCEPTING THE RESIGNATION OF MAXIMILIAN VASILE, RECREATION PROGRAM COORDINATOR, EFFECTIVE NOVEMBER 23, 2022 AND PAYMENT OF HIS FULL ALLOWANCE OF \$661.56**

The Mayor and Council hereby accept Maximilian Vasile's resignation effective November 25, 2022 and authorize the Treasurer to pay the full allowance of \$661.56 in accordance with the personnel policy in the next regular Borough Payroll of December 2, 2022. The benefits include the following:

4 Days Vacation Time	\$661.52
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Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 327-2022

**AUTHORIZING THE PURCHASING AGENT TO SELL SURPLUS PERSONAL
PROPERTY ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Borough of Middlesex has determined that the property listed below is no longer needed for public use; and

WHEREAS, the Borough of Middlesex intends to utilize the online auction services of Municibid.com located at 2401 Walnut Street, Philadelphia, PA; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15. Sale dates to be determined; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Middlesex, County of Middlesex, State of New Jersey, that the Purchasing Agent is hereby authorized to sell the surplus personal property as indicated below on an online auction website entitled Municibid.com, 2401 Walnut Street, Philadelphia, PA; and

BE IT FURTHER RESOLVED, that the Auction for items shall be for a total of ten (10) days and all fees are to be paid for by the buyer as per the terms and conditions of the agreement entered into between Municibid.com and the Borough of Middlesex and are available at Municibid.com and in the office of the Purchasing Agent.

	Item	Approximate Mileage	VIN/Identification #
1	2011 Ford Crown Vic	100,017	2FABP7BV1BX109261
2	2007 Ford F-450	86,443	1FDXF47P27EA01702
3	2004 Rod F-350	65,914	1FDWF37P24ED34564
4	1998 Nissan Sentra	56,996	1N4AB41D6WC756193
5	2014 Chevy Caprice	84,820	6G3NS5U22EL952290
6	1997 Ford Backhoe 555E	8,105 hrs	31003323
7	1970 GPD Truck	200,000	104D06271052519196
8	1997 Toro 325 D Side Discharge Mower Deck	NA	NA

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 328-2022

AUTHORIZING THE PURCHASE OF POLICE VEHICLE AND EQUIPMENT UTILIZING THE CO-OP ESCNJ #20/21-09 IN AN AMOUNT NOT TO EXCEED \$55,034.69

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase a 2023 Chevrolet Tahoe SSV 4 WD for the Middlesex Police Department under said CO-OP ESCNJ #20/21-09 and the necessary vehicle equipment; and

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

WHEREAS, Mall Chevrolet is under CO-OP ESCNJ #20/21-09 Cooperative Pricing System for Police and Administrative Vehicles; and

WHEREAS, the cost for the purchase of a 2023 Chevrolet Tahoe SSV 4WD from Mall Chevrolet is not to exceed \$45,468.00; and

WHEREAS, the cost for the necessary vehicle equipment from Island Tech Services is not exceed \$9,566.69; 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 appropriate Borough Officials are hereby authorized to purchase police vehicle and equipment utilizing the CO-OP ESCNJ #20/21-09 and vendors herein; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$55,034.69 are available in 2022 Capital Budget-Police Department, Account No. C-04-22-062-000-071.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 329-2022

REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR CULTURE AND HERITAGE PROGRAMS REQUIRED BY NJSA 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 Culture and Heritage Programs for residents 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 Culture and Heritage 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, related to culture, arts and history programs for residents, from the Culture and Heritage Programs 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 330-2022

REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR PARKS IMPROVEMENTS REQUIRED BY NJSA 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 Parks Improvements and Equipment 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 Parks Improvements and Equipment 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 Parks Improvements and Equipment for residents, from the Parks Improvement 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 331-2022

APPROVAL TO ADVANCE POLICE OFFICER BRYAN RODRIGUES TO POLICE OFFICER CLASS "A" AT AN ANNUAL SALARY OF \$120,028 EFFECTIVE DECEMBER 14, 2022

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

WHEREAS, On November 17, 2022 Chief Geist recommended Police Officer Bryan Rodrigues be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Bryan Rodrigues be and is hereby advanced in grade to Police Officer Class "A" effective December 14, 2022 at an annual salary of \$120,028.

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 332-2022

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 333-2022**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 - Health Care; and (2) Creighton Lake - Potential Litigation; 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 - Health Care

Creighton Lake - Potential Litigation

ADJOURNMENT

The next Regular Meeting will be December 20, 2022

Respectfully yours,

Linda Chismar, RMC
Borough Clerk