Borough of Middlesex

Mayor and Council Regular Meeting

~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, February 14, 2023 **7:00 PM** **Municipal Building**

I. MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

II. SALUTE TO FLAG

III. ROLL CALL

Attendee Name	Present	Absent	Late	Arrived
Mayor John Madden	☐	☐	☐	
Council President Michael Conahan	☐	☐	☐	
Councilman Jeremiah Carnes	☐	☐	☐	
Councilman Robert Dessino	☐	☐	☐	
Councilman Jack Mikolajczyk	☐	☐	☐	
Councilman Martin Quinn	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Interim Administrator Joe Costa	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

IV. PRESENTATIONS

V. APPOINTMENTS

1. Appointment of Ken Griggs to the Board of Health

VI. PROCLAMATIONS

VII. ORDINANCE(S) FOR INTRODUCTION

1. **Ordinance 2079-23** AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 86 FILMING, SECTION 86-2 FILM COMMISSION

VIII. ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

IX. ADOPTION OF MINUTES

1. Approval of the January 24, 2023 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

1. Council President Conahan
2. Councilman Carnes
3. Councilman Dessino
4. Councilman Mikolajczyk
5. Councilman Quinn
6. Councilman Rex

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

XIV. NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS: Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. **Resolution 64-2023** Authorizing the Lease of the Sharp BP-70M45 Copier for the Middlesex Police Records Department in the Amount of $8,640.00

2. **Resolution 65-2023** The Governing Body Hereby Rejects all Bids Received for the Middlesex Borough Police Department RTU Replacement Project

3. **Resolution 66-2023** Declaring the Savin MP4002 Multifunction Printer Obsolete

4. **Resolution 67-2023** Acceptance of Standing Reports

5. **Resolution 68-2023** Releasing the Final Payment to Stilo Excavation, Inc. for the 2019 Road Improvement Project – Fisher Avenue and Ashland Road

6. **Resolution 69-2023** Authorizing the Tax Collector to Refund the Recording Fee on Tax Sale Certificate 21-00004

7. **Resolution 70-2023** Authorizing the Superintendent of Public Works to Submit the Recycling Enhancement Grant Application to the Middlesex County Division of Solid Waste Management

8. **Resolution 71-2023** Approving Amendment of the Public Works Employees Collective Negotiations Agreement

9. **Resolution 72-2023** Authorizing the Tax Collector to Issue Tax Title Lien Redemption's on Block 258, Lot 7

XV. NON-CONSENT AGENDA/RESOLUTIONS: Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

1. **Resolution 73-2023** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

XVIII. EXECUTIVE SESSION

XIX. ADJOURNMENT

1. The next Regular Meeting will be February 28, 2023

ORDINANCE #2079-23

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 86 FILMING, SECTION 86-2 FILM COMMISSION

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

Section 86-2 shall be amended to read as follows:

86-2 Film Commission

There shall be a three-member Film Commission established, consisting of the Mayor, Chief of Police and a member of the Borough Council to be appointed thereby from amongst its membership. This Commission is required to approve the permit application for filming or performing incidental activities in connection therewith on public lands and upon this approval and the required documents listed in § 86-3C the Borough Clerk will issue a License. A resident volunteer shall also be appointed to the film commission to solely serve as a single point of contact and communication between the Borough and anyone involved with a permitted film project.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

INTRODUCED: February 14, 2023

DATE OF PUBLICATION:
OF INTRODUCTION February 17, 2023

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

Resolution #64-2023

AUTHORIZING THE LEASE OF THE SHARP BP-70M45 COPIER FOR THE MIDDLESEX POLICE RECORDS DEPARTMENT IN THE AMOUNT OF $8,640.00

WHEREAS, the Borough of Middlesex wishes to lease a new Sharp BP-70M45 copier in the total amount of $8,640.00 for the Middlesex Police Records Department to replace the outdated and obsolete Savin MP4002 copier; and

WHEREAS, the replacement parts for the Savin MP4002 copier are not being manufactured and difficult to obtain; and

WHEREAS, quotes were solicited and below are the two (2) quotes received:

1) Shore Business Solutions, $8,640.00
2) KDI Office Technology Inc., $12,360.00

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 approves the lease of the Sharp BP-70M45 copier for the Middlesex Police Records Department, in the total amount of $8,640.00, effective immediately.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount not to exceed $8,640.00 are available in the 2023 Operating Budget, Computer Services, Account No. 3-01-20-140-000-057.

_____

Caroline Benson, Treasurer

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #65-2023

THE GOVERNING BODY HEREBY REJECTS ALL BIDS RECEIVED FOR THE MIDDLESEX BOROUGH POLICE DEPARTMENT RTU REPLACEMENT PROJECT

WHEREAS, the Borough of Middlesex authorized the receipt of bids for the Middlesex Borough Police Department RTU Replacement project; and

WHEREAS, bids were received on January 18, 2023, and opened in public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;

WHEREAS, the Borough of Middlesex rejects all bids received on January 18, 2023, for exceeding the contracting unit's appropriation of said improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex in the County of Middlesex, State of New Jersey that: It hereby rejects all bids received for the Middlesex Borough Police Department RTU Replacement project due to the lowest bid substantially exceeding the contracting unit's appropriation for the goods or services.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #66-2023

DECLARING THE SAVIN MP4002 MULTIFUNCTION PRINTER OBSOLETE

WHEREAS, the Borough of Middlesex has determined that the equipment listed below has been rendered obsolete, broken, and no longer serviceable or usable; and

1) Savin MP4002 Multifunction Printer

WHEREAS, the Borough of Middlesex intends to dispose of said copier as replacement parts for the Savin MP4002 are no longer being manufactured; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby declare the non-serviceable item listed above as surplus and authorize disposal of same, effective immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #67-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the December, 2022 and January, 2023 Tax Totals.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #68-2023

RELEASING THE FINAL PAYMENT TO STILO EXCAVATION, INC. FOR THE 2019 ROAD IMPROVEMENT PROJECT – FISHER AVENUE AND ASHLAND ROAD

WHEREAS, final payment to Stilo Excavation, Inc. has been submitted for the 2019 Road Improvement Project - Fisher Avenue and Ashland Road; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, the Borough Engineer, by letter dated January 13, 2023, has recommended the release of Performance Bond No. S-3315278, issued by NGM Insurance Company in the amount of $459,666.51, which was submitted by Stilo Excavation, Inc. and is being held by the Borough for the 2019 Road Improvement Project - Fisher Avenue and Ashland Road; and

WHEREAS, Colliers Engineering & Design Engineers and the Borough Attorney have reviewed all documents and are recommending release of said Performance Bond and accept the Maintenance Guarantee No. S-3315278MB.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey in accordance with N.J.A.C. 40:55D-53c. (1) of the Municipal Land Use Law, and by recommendation of Colliers Engineering & Design Engineers and the Borough Attorney, the governing body hereby agrees to release the performance bond for the 2019 Road Improvement Project - Fisher Avenue and Ashland Road to Stilo Excavation, Inc.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #69-2023

AUTHORIZING THE TAX COLLECTOR TO REFUND THE RECORDING FEE ON TAX SALE CERTIFICATE 21-00004

WHEREAS, resolution #54-2023, collected $1,625.22 for the redemption of certificate 21-00004, and

WHEREAS, the amount of $1,625.22, included a recording fee of $55.00, and

WHEREAS, the lien holder did not record above certificate, and

WHEREAS , the amount to redeem therefore was $1570.22, and

WHEREAS , the redeemer paid $1625.22, and

WHEREAS, the redeemer is entitled to the reimbursement of the $55.00 recording fee, and

NOW THEREFORE, the tax collector is hereby authorized to issue a check to the redeemer, in the amount of $55.00 to the below;

Core Logic
3001 Hackberry Road
Irving, TX 75063-0156

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #70-2023

AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO SUBMIT THE RECYCLING ENHANCEMENT GRANT APPLICATION TO THE MIDDLESEX COUNTY DIVISION OF SOLID WASTE MANAGEMENT

WHEREAS, The County of Middlesex in continuing to recognize the importance of recycling and the role that the individual municipalities play in conjunction with the County towards achieving an exemplary recycling rate has proposed to provide grant monies to municipalities through the Recycling Enhancement Grant (REG) Program; and

WHEREAS, It is the intent of the REG Program to provide funds to qualifying municipalities to be used for a paper shred event to enhance a municipality's recycling program; and

WHEREAS, It appears to be in the best interest of the Borough of Middlesex and its citizens to apply for this grant;

NOW THEREFORE BE IT RESOLVED by the Governing Body of Middlesex Borough that the Superintendent of the Department of Public Works is hereby authorized to submit the an application for consideration of a grant to the Middlesex County Division of Solid Waste Management.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #71-2023

APPROVING AMENDMENT OF THE PUBLIC WORKS EMPLOYEES COLLECTIVE NEGOTIATIONS AGREEMENT

WHEREAS, the Borough of Middlesex ("Borough") and Local 255, United Services Workers Union ("Union") are parties to a collective negotiations agreement ("Contract") covering public works employees, effective January 1, 2021, through December 31, 2024; and

WHEREAS, subsequent to the execution of the Contract a minor typographical error was discovered; and

WHEREAS, on February 6, 2023, the Union's Shop Steward and Borough's Business Administrator dually signed a letter therein noting that a minor typographical error needs to be corrected, specifically, "Article 8 Section D and E, only applies to Employees Hired After 1997"; and

WHEREAS, the Mayor and Borough Council have reviewed the Contract and February 6, 2023 letter and agree that the typographical error in the Contract should be corrected, as noted by the Shop Steward and Business Administrator.

NOW THEREFORE BE IT RESOLVED, that Mayor and Borough Council hereby approve the amendment of the Contract as noted in February 6, 2023 letter, and authorize the Borough Administrator to attach this Resolution and February 6, 2023 letter to the Contract, to serve as formal notice of the amendment.

This Resolution shall be effective immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #72-2023

AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S ON BLOCK 258, LOT 7

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for February 14, 2023, and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale:	11/30/2022
Block/Lot:	258/7
Amount:	$19,542.48
Premium:	$54,000
Certificate:	21-00008
Payable To:	Bala Partners LLC PO Box 303 Pottersville, NJ 07979

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.

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

Resolution #73-2023

PAY ALL CLAIMS

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

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on February 14, 2023.