



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, March 28, 2023

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 Michael Conahan
Councilman Jeremiah Carnes
Councilman Robert Dessino
Councilman Jack Mikolajczyk
Councilman Douglas Rex

Councilman Martin Quinn -- **Absent**

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

1. Appointing Kevin Nelson to the Board of Health as Alternate I

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2082-23 by title:

ORDINANCE 2082-23

AN ORDINANCE TO AMEND CHAPTER 80, ARTICLE I ORGANIZATION, SECTION 9 QUALIFICATIONS; SECTION 10 ENTRANCE REQUIREMENTS; SECTION 15 CLASSES OF PATROLMEN AND ARTICLE II RULES AND REGULATIONS SECTION 75 ADMINISTRATIVE FEES FOR USE OF POLICE OFFICERS AND/OR VEHICLES ON EXTRA-DUTY JOBS

Be it ordained by the Mayor and Council of the Borough of Middlesex that the following Ordinances and Sections are amended by removing text that is strikethrough and replacing with text that is bold and underlined:

§ 80-9 Qualifications

I. He or she has a minimum of a high school diploma and an approved combination of one or more of the following:

1. a minimum of 60 college credits from an accredited college or university, or
2. a minimum of four years of active duty in the United States Armed Forces, or
3. police certification through the New Jersey Police Training Commission.

§ 80-10 Entrance requirements.

Except as specifically provided otherwise in this article, no person shall be appointed to the Police Department unless that person shall have:

- A. Filed written application on the form prescribed by the Police Chief.
- B. Submitted such completed application form and supporting documents as requested.
- C. Qualified by the passing of the required physical, written and oral admission test.
- D. Submitted to and passed a medical and physical examination conducted by a physician approved by the Mayor and Council and, if so requested, submitted to and passed a screening psychological examination prior to receiving appointment to the Police Department.
- E. Met all other minimum requirements enumerated in this article.
- F. Some or all of the requirements as set forth in Subsections and hereof may be waived ~~for a graduate of an approved New Jersey Police Training Commission "Alternate Route Program."~~ [Added 6-28-2005 by Ord. No. 1654] or amended, with consultation and recommendation of the Chief of Police, for candidates that are qualified for certification through the New Jersey Police Training Commission, including, but not limited to, police academy enrollment, police academy Alternate Route Program attendance, Class II waiver training, Correctional Police Officer gap training, or other approved training programs.

§ 80-15 Classes of ~~patrolmen~~ **police officers**; advancements.

A. There will be ~~eight~~ **eleven** classes of ~~patrolmen~~ **police officers** which shall be known as "Police Officer Class A," "Police Officer Class B," "Police Officer Class C," "Police Officer Class D," "Police Officer Class E," "Police Officer Class F," "Police Officer Class G," "Police Officer Class H," "Police Officer Class I," "Probationary Police Officer" and "Academy Police Officer."

§ 80-75 Administrative Fees for Use of Police Officers and/or Vehicles on Extra-Duty Jobs

B. The charge for use of off-duty police officers to provide this type of service is ~~\$80~~ **\$85** per hour for road jobs. All other extra-duty jobs shall be charged at the police officer's regular time and 1/2 (1.5) rate. Third party vendor costs shall be passed through to the entity requesting off-duty police traffic control services. There shall be a four-hour minimum charge for all extra-duty road jobs hereunder. Cancellations must be received by the Middlesex Borough Police Department not less than two hours prior to the scheduled start of any extra-duty job. Failure to cancel at least two hours prior to the scheduled start of any extra-duty job shall result in a four-hour minimum charge hereunder.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/11/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex	
ABSENT:	Quinn	

Borough Clerk Linda Chismar read Ordinance 2083-23 by title:

ORDINANCE 2083-23

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 407, VEHICLES AND TRAFFIC, ARTICLE IV PROHIBITED PARKING, SECTION 407-8.1 BAEKELAND AVENUE; PROHIBITED PARKING/STANDING; SIGNS; PENALTY

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

Section 407-8.1 shall be amended to read as follows:

§ 407-8.1. Baekeland Avenue; prohibited parking **/standing**; signs; penalty.

- A. The parking **or standing** of any motor vehicles, trucks, trailers, semitrailers or omnibuses, whether commercial or noncommercial, shall be prohibited on either side of Baekeland Avenue from River Road through to the point of intersection with Cedar Avenue/Possumtown Road.
- B. No-parking **no-standing** signs in accordance with specifications as provided by statute of the State of New Jersey shall be exhibited at or near the intersection of

Baekeland Avenue and River Road and Baekeland Avenue and Cedar Avenue/Possumtown Road and shall put violators on notice that parking **or standing** is prohibited along all portions of Baekeland Avenue.

C. A fine of not less than ~~\$54~~ **\$200** and not more than ~~\$250~~ **\$500** shall be imposed for violation of this article

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/11/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex	
ABSENT:	Quinn	

Borough Clerk Linda Chismar read Ordinance 2084-23 by title:

ORDINANCE 2084-23

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX ACCEPTING AN OFFER OF DEDICATION FOR ROADWAY PURPOSES OF CERTAIN LANDS, BEING PORTIONS OF BLOCK 318, LOTS 1.02, 19 AND 21 IN THE BOROUGH OF MIDDLESEX AND DEDICATING FOR ROADWAY PURPOSES CERTAIN LANDS, BEING PORTIONS OF BLOCK 318, LOTS 1.01, 1.02, 19 AND 21 IN THE BOROUGH OF MIDDLESEX

WHEREAS the United States Department of Energy ("DOE") is the owner of approximately 9.6 acres of land commonly known as the Middlesex Sampling Plant located at 239 Mountain Avenue, Middlesex Borough, New Jersey and identified as Block 318, Lot and Block 319, Lot 45 on the Municipal Tax map ("MSP Site"); and

WHEREAS, as of September 30, 2020, the Borough entered into that certain "Easement between the Borough of Middlesex, New Jersey and The United States of America, acting through the Department of Energy/Office of Legacy Management," recorded in the Office of the Middlesex County Clerk, in Deed Book 18132, Page 1797 on November 16, 2020 ("Roadway Easement") along with Borough Ordinance #2005-20, authorizing the Roadway Easement ("2020 Roadway Ordinance"); and

WHEREAS, the Roadway Easement granted a perpetual easement to the Borough across a portion of the southern part of Block 318, Lot 1.01 ("Easement Area"), as more particularly described and depicted in the Roadway Easement and attached hereto as **Exhibit 1**, for the construction, maintenance and operation of a right-of-way for a public road or street, together with rights of ingress and egress (the "MSP Roadway"); and

WHEREAS, the MSP Roadway intersects with the existing public right-of-way in Wood Avenue, and thus includes a connection with and minor expansion of Wood Avenue (the MSP Roadway, together with the connection to and expansion of Wood Avenue are referred to hereafter as the "Public Roadway"); and

WHEREAS, the 2020 Roadway Ordinance further authorized the Borough to enter into that

certain License Agreement for Use of Real Property (“Redeveloper License”), between the Borough, Claremont Properties Urban Renewal, LLC, and DOE, which Redeveloper License was recorded with the Roadway Easement, and thereafter modified by that certain Acknowledgment and Consent, dated March 29, 2022, recorded on April 6, 2022 in the Office of the Middlesex County Clerk in Deed Book 18887, Page 1709, which among other things corrected the name of the Licensee thereunder from Claremont Properties Urban Renewal, LLC to CP Middlesex Urban Renewal LLC (the “Redeveloper”); and

WHEREAS, in the Redeveloper License the Borough, with DOE’s consent, granted a license to the Redeveloper over the Easement Area in order to construct the MSP Roadway thereon; and

WHEREAS, the Redeveloper License further provided that upon construction of the improvements in the Easement Area by the Redeveloper, the completed MSP Roadway would be dedicated by the Borough as a public roadway pursuant to ordinance; and

WHEREAS, the Public Roadway, in addition to traversing the MSP Site in the Easement Area, also traverses portions of Block 318, Lots 19 and 21 which are adjacent to Wood Avenue (the “Wood Avenue Property”), as follows: (i) an approximately 512 square foot (0.0118 acres) portion of Lot 19, as shown and described in Schedules A-1 and A-2 of the deed of dedication attached hereto as **Exhibit 2** (the “Wood Avenue Dedication Deed”); and (ii) an approximately 2,933 square foot (0.0673 acres) portion of Lot 21, as shown and described in Schedules B-1 and B-2 of the Wood Avenue Dedication Deed attached hereto as **Exhibit 1** (collectively, the “Wood Avenue Dedication Area”); and

WHEREAS, the Public Roadway, also traverses a portion of Block 318, Lot 1.02 (the “Redevelopment Property”), formerly known as Block 318, Lots 38.01, 48, and 4.02, as follows: an approximately 284 square foot (0.0065 acres) portion of Lot 1.02 (“Redevelopment Property Dedication Area”), as shown and described in Schedules A-1 and A-2 of the deed of dedication attached hereto as **Exhibit 3** (“Redevelopment Property Dedication Deed”); and

WHEREAS, the Borough and the Redeveloper are parties to that certain Redevelopment Agreement dated January 11, 2021 (the “Redevelopment Agreement”) in which the Borough agreed to dedicate the MSP Roadway and accept the Wood Avenue Dedication Area and Redevelopment Property Dedication Area as a public right of way upon completion of the Public Roadway; and

WHEREAS, Redeveloper has completed construction of the Public Roadway in accordance with the Roadway Easement, Redeveloper License, Redevelopment Agreement and site plan approval granted by the Middlesex Borough Joint Land Use Board by resolution dated November 10, 2021;

WHEREAS, Redeveloper is the title owner of the Wood Avenue Property and has offered to dedicate the Wood Avenue Dedication Area to the public for the purposes of constructing, maintaining and operating a portion of the Public Roadway thereon, as set forth in and in accordance with, the Wood Avenue Dedication Deed attached hereto as **Exhibit 2**; and

WHEREAS, the Redeveloper is also the title owner of the Redevelopment Property and has offered to dedicate the Redevelopment Property Dedication Area to the public for the

purposes of constructing, maintaining and operating a portion of the Public Roadway thereon, as set forth in and in accordance with, the Redevelopment Property Dedication Deed attached hereto as **Exhibit 3**; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes municipalities to adopt ordinances accepting offers of dedications of streets and other rights of the public; and

WHEREAS, the Borough wishes to accept the offer of dedication evidenced by the Wood Avenue Dedication Deed and the Redevelopment Property Dedication Deed, and to otherwise dedicate the Public Roadway as a public right of way, and to memorialize the foregoing in the public record.

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

1. The Borough hereby accepts the Redeveloper's offer of dedication of the Wood Avenue Dedication Area as set forth in the Wood Avenue Dedication Deed attached hereto as **Exhibit 2**; and
2. The Borough hereby also accepts the Redeveloper's offer of dedication of the Redevelopment Property Dedication Area as set forth in the Redevelopment Property Dedication Deed attached hereto as **Exhibit 3**; and
3. The Borough hereby dedicates the Public Roadway as a public right of way; and
4. The Mayor and Clerk are hereby authorized and directed to execute and deliver any document and, together with the Borough's consultants, to take any and all necessary steps as would be reasonable or necessary to effectuate said acceptance and dedication and to effectuate the purposes of this Ordinance
5. If any part(s) of this Ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity shall not affect the remaining parts of this Ordinance; and
6. A copy of this Ordinance shall be recorded with the Middlesex County Clerk/Register's Office, and the Mayor and Municipal Clerk are authorized to take such action to effectuate same; and
7. This Ordinance shall take effect immediately upon final passage and publication according to applicable law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/11/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex	
ABSENT:	Quinn	

Borough Clerk Linda Chismar read Ordinance 2085-23 by title:

ORDINANCE 2085-23**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$151,625.25 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5%, amounting to \$530,688.38 and that the CY 2023 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/11/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex	
ABSENT:	Quinn	

Borough Clerk Linda Chismar read Ordinance 2086-23 by title:

ORDINANCE 2086-23

AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

TITLE	SALAR Y	RANGE
Full Time Employees		
Chief of Police	\$180,000	\$250,000
Borough Administrator	\$125,000	\$180,000
Borough Clerk	\$80,000	\$110,000
Deputy Borough Clerk	\$50,000	\$70,000
Administrative Clerk/Purchasing Agent	\$50,000	\$70,000
Chief Financial Officer	\$90,000	\$125,000
Deputy Treasurer	\$50,000	\$70,000
Tax Collector	\$70,000	\$90,000
Deputy Tax Collector	\$50,000	\$70,000
Finance/Tax Clerk	\$40,000	\$55,000
HR Manager/Payroll Manager	\$50,000	\$75,000
DPW Superintendent	\$100,000	\$130,000
DPW Assistant Superintendent	\$85,000	\$100,000
Recreation/Office on Aging Director	\$70,000	\$90,000
Recreation Program Coordinator	\$40,000	\$55,000
Court Administrator	\$60,000	\$80,000
Court Deputy Administrator	\$50,000	\$65,000
Court Violations Clerk	\$40,000	\$55,000
Senior Certified Technical Assistant	\$55,000	\$75,000
Certified Technical Assistant	\$45,000	\$60,000
Senior Administrative Assistant	\$45,000	\$65,000
Administrative Assistant	\$35,000	\$50,000
Police Administrative Assistant	\$50,000	\$70,000
Senior Police Records Clerk	\$45,000	\$65,000
Police Records Clerk	\$40,000	\$60,000
Part Time Employees		
Assistant Recreation Coordinator	\$12,000	\$15,000

Recreation Committee Secretary	\$1,000	\$1,500
Tax Assessor	\$20,000	\$40,000
Code Enforcer/Zoning Official	\$45,000	\$65,000
Construction Official	\$15,000	\$30,000
Electrical Sub-Code Official	\$12,000	\$18,000
Building Sub-Code Official	\$12,000	\$18,000
Plumbing Sub-Code Official	\$15,000	\$25,000
Fire Sub-Code Official	\$12,000	\$18,000
Planning/Zoning Clerk (per meeting)	\$200	\$400
Shade Tree Secretary	\$2,000	\$3,000
Juvenile Conference Committee Secretary	\$1,500	\$2,500
Municipal Magistrate	\$35,000	\$50,000

Hourly Employees	Per Hour	Per Hour
Administrative Clerk	\$15.00	\$20.00
Construction/Code Inspectors	\$14.00	\$17.00
ReSale Certificate Inspector	\$15.00	\$18.00
DPW Laborer	\$15.00	\$18.00
Senior Dept Non CDL Driver	\$17.00	\$24.00
Senior Dept CDL Driver	\$22.00	\$28.00
Pre-School Program Instructor	\$15.00	\$20.00
Playground Coordinator (Seasonal)	\$20.00	\$24.00
Playground Site Supervisor (Seasonal)	\$16.00	\$20.00
Playground Counselor (Seasonal)	\$13.00	\$16.00
Police Matrons	\$15.00	\$20.00
Crossing Guards	\$14.00	\$20.00
Custodian	\$15.00	\$20.00

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/11/2023 7:00 PM
MOVER:	Michael Conahan, Robert Dessino	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex	
ABSENT:	Quinn	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2080-23 by title:

ORDINANCE 2080-23

AN ORDINANCE TO AMEND CHAPTER 121, ARTICLE I ALCOHOLIC BEVERAGES, SECTION 121-7 FEE FOR PLENARY RETAIL CONSUMPTION LICENSE, SECTION 121-8 FEE FOR PLENARY RETAIL DISTRIBUTION LICENSE AND SECTION 121-9(A) CLUB LICENSE FEE

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

Article 1, Section 121-7 Fee for Plenary Retail Consumption License is Amended as Follows:

The fee for a plenary retail consumption license shall be the sum of \$1606; and the holder of such license shall be entitled, subject to the rules and regulations, to sell for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle and also to sell all alcoholic beverages in original containers off the license premises. Such license shall not permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drugstore or other mercantile business is carried on, except the keeping of a hotel or restaurant or the sale of cigars and cigarettes at retail as an accommodation to patrons or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages.

Article 1, Section 121-8 Fee for Plenary Retail Distribution License is Amended as Follows:

The annual fee for a plenary retail distribution license shall be \$1606; and not more than one such license shall be issued to any person or combination of persons, whether trading individually or as a partnership or corporation.

Article 1, Section 121-9(A) Club License Fee is Amended as Follows:

A. The fee for a club license shall be the sum of \$86; and the holder of such license shall be entitled, subject to rules and regulations, to sell only a bona fide club members and their bona fide guests alcoholic beverages intended for immediate consumption on the licenses premises.

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

1. The Governing Body does hereby amend Section 121-7, Section 121-8 and Section 121-9(A) of Chapter 121 - Alcoholic Beverages as stated above.

2. This Ordinance will meet all the requirements according to law and take effect April 1, 2023.

Mayor Madden opened the Public Hearing on Ordinance No. 2080-23. Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2080-23.

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

Borough Clerk Linda Chismar read Ordinance 2081-23 by title:

ORDINANCE 2081-23

AN ORDINANCE AMENDING CHAPTER 12 (POLITICAL CONTRIBUTIONS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO INCLUDE RELEVANT STATUTORY CITATIONS RELATED TO THE AWARD OF PUBLIC CONTRACTS

WHEREAS, Chapter 12 of the Municipal Code of the Borough of Middlesex regulations political contributions; and

WHEREAS, the Borough Council seeks clarify certain statutory citations to this chapter; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 12 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey entitled "Political Contributions" is amended as follows:

Section I:

Section 12-3 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

12-3 Prohibition of Award

- A. Notwithstanding **contracts awarded pursuant to N.J.S.A. 19:44A-20.7 (fair and open contracts)**, any other provision of this Code, or any other law to the contrary, the Borough shall not enter into an agreement or otherwise contract to procure goods or services from any business entity or professional business entity where the transaction is not required to be publicly bid under the Local Public Contracts Law and where the value of said contract exceeds \$17,500 if that entity has solicited or made any contribution of money or pledge of contribution, including in-kind contributions, to any candidate for municipal office in the Borough or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee in excess of the thresholds specified in Subsection C below within one calendar year immediately preceding the commencement of negotiations for the contract or agreement.

- B. Notwithstanding **contracts awarded pursuant to N.J.S.A. 19:44A-20.7 (fair and open contracts)**, any other provision of this Code or any other law to the contrary, no business entity or professional business entity which enters into negotiations for or agrees to, any contract or agreement with the Borough for the provision of goods or services where the transaction is not required to be publicly bid under the Local Public Contracts Law and where the value of the transaction exceeds \$17,500 shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any candidate for municipal office in the Borough, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, in excess of the thresholds specified in Subsection C below between the time of first communications between that entity and the Borough regarding a specific contract or agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- C. Any individual meeting the definition of "business entity" or "professional business entity" under § 12-2 of this chapter may annually contribute a maximum of \$300 each for any purpose to any candidate for municipal office in the Borough, or \$300 to any municipal or county party committee, without violating Subsections A and B of this section.

Section II

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

Section III

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

Section IV

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. 2081-23.

Dave Polakiewicz, 240 Hazelwood Avenue, asked for clarification on the changes that the ordinance would be making, and further explanation on the difference between what is in place currently and what will be changed.

Attorney Corsini explained that fair and open contracts are exempted in the pay to play process and subject to a four factor test. The current language is confusing. This provision clarifies another provision that is unclear.

Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2081-23.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Mikolajczyk, Rex
ABSTAIN:	Carnes
ABSENT:	Quinn

ADOPTION OF MINUTES

1. Approval of the March 14, 2023 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden made the following comments:

I was walking through Victor Crowell Park last week and noticed the plaque was missing from the 911 memorial flag courtyard area. After some research, it turns out that a bronze plaque was stolen almost 3 years ago. In addition, there is an incident report from the Police regarding same.

I would like to offer replacing this plaque with my time an expense with a close or identical representation of the original piece. The material will be of a durable and lasting quality. I am in the process of securing pricing for the plaque. Installation will also be provided. I believe that in the long absence without such a solemn symbol, a great disservice has occurred to the memory of those we lost on 911 and also of the service personnel in past conflicts.

I am urging that we move forward with this so we may properly honor those on that fateful day and all those who gave their final measure of devotion. Let's restore this final piece of commemoration to give our residents a proper place to cherish those memories.

Consensus was obtained to approve Mayor Madden purchasing the replacement plaque.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- The last JLUB meeting was cancelled.
- The BOE will be meeting on Thursday.
- The Recreation Bunny Hop will be held at Mountain View Park on Saturday from 1pm-3pm with a rain date of Sunday.
- The Memorial Day Parade will be May 29th.
- Currently waiting on the report for the Phase 1 study of 305 Union.
- The Fire Department participated in Bail Out Training on the 26th.
- The next Bystander CPR training will be April 18th.

- Middlesex Youth Baseball Opening Day will be Saturday at 4pm.

Councilman Carnes

Councilman Carnes made the following comments:

- The Culture & Heritage Committee will be hosting a Colors and Flowers Festival on April 30th.
- Thank you to the members of the Fire Department for all their hard work and training.

Councilman Dessino

Councilman Dessino made the following comments:

- The Swim Pool met to discuss terminating the Synchronized swimming program, however due to a large outreach of parents the decision was overturned.
- The fields have been prepped and are ready for the upcoming baseball and softball season.
- The DPW are looking to replace the garbage cans that lined 28 with cans that are not currently used but in the Borough's possession.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

- Now that the Police are fully staffed, they are very visible through the Borough.
- The Fire Department did a great job with the recent fire that have occurred.

Councilman Quinn

Councilman Quinn was absent.

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

1. Administrator La Place thanked the Mayor, Council and staff for the warm welcome to Middlesex. He indicated that he is getting familiar with local issues and the municipal facilities and services.
2. There is a resolution this evening regarding the Bayer Crop TDA (Temporary Discharge Application) which was amended last year by the Council. The renewal permit did not reflect the changes made by the Council in last year's resolution and the revised agreement has been approved by Borough Engineer Tom Herits. Other resolutions this evening include my appointment to the Central Jersey Joint Insurance Fund, a resolution authorizing the Mayor to execute a contract with JRC South for heating and air conditioning preventive maintenance, authorization for the Tax Collector to conduct a tax sale for unpaid municipal charges and a resolution amending the Personnel Policy to include a Compensation Program.
3. At the next Council meeting on April 11, 2023, there will be the introduction of ordinance to permanently change hours of operation for bars/liquor stores to permanently open at 9:30 a.m. on Sundays instead of noon (12:00 p.m.).
4. The April 11 meeting will also include introduction of the proposed Municipal Budget. All departments have met with the Finance Committee and CFO and staff will have meetings with Council representatives to each department.

5. Also on April 11, there will be the introduction of an ordinance at the request of the Middlesex Police Department to amend Ordinance 407 to designate a "No Parking" zone on Wilton Avenue. This is in response to recent parking complaints investigated by the Police Department.
6. There will be a teleconference presentation by EPA/DEP at the next meeting on the condition of Creighton Lake and some of the cause of the high coli there.
7. Staff is preparing to begin the process to offer the "strip" of Borough land that the Council discussed last year (Block 43, Lot 32), near Second and Market streets.
8. The renovation of restrooms here in the Municipal Building is continuing, with one restroom completed and the work on the second one still under way.
9. The Phase 1 Environmental Study by EcolSciences, Inc was conducted for 305 Union Avenue, the Foreign Express site.
10. Presbyterian Church site - revised environmental analysis is under way.

PRIVILEGE OF THE FLOOR

Rich Thomasey, 109 Greene Avenue, stated that the Mayors decision to replace the Plaque at Victor Crowell Lake was extremely generous. In addition, he also asked the Mayor if there was a timetable for the work on the water line road repairs, and if there was any plans to install curbs on Greene Avenue.

Dave Polakiewicz, 240 Hazelwood Avenue, asked if the environmental report on executive session was for several properties or just the Church location. He also asked if Councilman Carnes would explain why he did not vote on the Ordinance 2081-23.

Kevin Nelson, 351 Marshall Place, thanked the Council for his appointment.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 102-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the February, 2023 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 103-2023

APPOINTING MICHAEL LAPLACE TO SERVE AS FUND COMMISSIONER TO THE CENTRAL JERSEY JOINT INSURANCE FUND EFFECTIVE IMMEDIATELY FOR 2023

WHEREAS: Public Law 1983, c.372 (N.J.S.A. 40A:10-36 *et seq*) permits municipalities to join together to form a joint insurance fund; and

WHEREAS, the Central Jersey Joint Insurance Fund is duly constituted as a Municipal Self-Insurance Fund; and

WHEREAS, the Borough of Middlesex is a member of the Central Jersey Joint Insurance Fund; and

WHEREAS, the NJSA 40A:10-36 *et seq* as well as the Bylaws of the Central Jersey Joint Insurance Fund provide that "in the manner generally prescribed by law, each member shall appoint one (1) commissioner to the Fund. Each member shall select either a member of its governing body or one of its employees and,

WHEREAS the term of the appointment is either:

1. A commissioner, other than the special commissioner, who is a member of the appointing municipality's governing body shall hold office for two years or for the remainder of his/her term of office as a member of the governing body, whichever shall be less.
2. Commissioners who are employees of the appointing member shall hold office at the pleasure of the Borough and can be removed by the Borough at any time without cause.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Middlesex does hereby appoint Michael LaPlace to serve as Fund Commissioner to the Central Jersey Joint Insurance Fund.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 104-2023

AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT BETWEEN THE BOROUGH OF MIDDLESEX AND JRC SOUTH FOR HEATING AND AIR CONDITIONING PREVENTATIVE MAINTENANCE SERVICES FOR MIDDLESEX BOROUGH FACILITIES

WHEREAS, request for quotes were received on March 15, 2023, for Heating and Air Conditioning Preventative Maintenance Services for Middlesex Borough facilities;

WHEREAS, listed below are the two (2) quotes received for said project:

JRC South	Easton Mechanical Service
187 Walnut Creek Lane	14 Woodlawn Avenue
Toms River, NJ	Greenbrook, NJ
\$10,400.00	\$11,000.00

WHEREAS, JRC South, Toms River, NJ, is the lowest responsive, responsible bidder;

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 Supervisor and Purchasing Agent, the governing body hereby awards the contract for Heating and Air conditioning Preventative Maintenance Services contract beginning April 1, 2023 and ending March 31, 2024.
2. The Governing Body hereby authorizes the mayor to execute the Contract between the Borough of Middlesex and JRC South for Heating and Air Conditioning Preventative Maintenance Services for Middlesex Borough facilities.

NOW FURTHER BE IT RESOLVED, funds in an amount not to exceed \$10,400.00 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 105-2023

APPROVING THE TEMPORARY DISCHARGE APPROVAL APPLICATION AT THE FACTORY LANE SITE TO BE SUBMITTED BY THE MCUA AT THE REQUEST OF NEW FIELDS, ON BEHALF OF BAYER CROP SCIENCE, INC.

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater; and

WHEREAS, at the recommendation of the Borough's Sewer Operator and the Governing Body it is recommending that the Conditions on this Temporary Discharge Approval be amended to read as follows:

1. Condition 1D shall be modified as follows:

MCUA reserves the right to modify the monitoring frequencies and discharge limitations set forth herein when necessary; to protect its collection system and/or treatment system, the public health and welfare and/or the environment; to satisfy any federal or state law, rule or regulation or any amendment thereof or supplement thereto or for other reasons as set forth in Section 5.17 of the MCUA's Rules and Regulations. No discharge shall occur during storm events, if specifically requested by the MCUA or the Borough of Middlesex prior to, or during such an event.

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

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer CropScience, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as amended above under "Conditions" Item 1D.
2. This resolution shall take effect immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 106-2023

**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, Lots 1.02 and 1.03, 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:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex
ABSENT:	Quinn

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 107-2023

AMENDING THE PERSONNEL POLICY TO INCLUDE A COMPENSATION PROGRAM

WHEREAS, the Governing Body adopted the Personnel Policy on January 1, 2020; and

WHEREAS, this Personnel Policy was last amended on November 23, 2021; and

WHEREAS, the Governing Body would like to amend this Personnel Policy to include under Section 4.A. Payroll Policy the new Compensation Program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Personnel Policy be amended effective immediately to include under Section 4.A Payroll Policy the new Compensation Program.

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 108-2023

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.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Mikolajczyk, Rex
ABSTAIN:	Carnes
ABSENT:	Quinn

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 109-2023

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 an Update on the Environmental Study regarding 1190 Mountain Avenue, Rescue Squad Lease and Assistant Superintendent Contract; 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:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Rex
ABSENT:	Quinn

1190 Mountain Ave. - Update on Environmental Study

Rescue Squad Lease

Assistant Superintendent Contract

ADJOURNMENT

The next Regular Meeting will be April 11, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk