



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, April 11, 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 Robert Dessino
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Councilman Jeremiah Carnes -- **Absent**

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2087-23 by title:

ORDINANCE 2087-23

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 407, VEHICLES AND TRAFFIC, ARTICLE VI PARKING RESTRICTED,
SECTION 407-16 RESTRICTION; PENALTY**

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

Section 407-16A shall be amended to read as follows:

§ 407-16. Restriction; penalty

A. There shall be no parking at any time at the following places:

- (1) Along the northerly side of Route 28 for a distance of 150 feet east of the easterly curblineline of Hazelwood Avenue and a point 110 feet west of the westerly curblineline of Hazelwood Avenue.
- (2) Along the southerly side of Route 28 for a distance of 150 feet west of the westerly curblineline of Raritan Avenue and a point 120 feet east of the easterly curblineline of Raritan Avenue
- (3) Along the easterly side of Raritan Avenue for a distance of 200 feet south of the southerly curblineline of Route 28 and on the westerly side for a distance of 180 feet from the southerly curblineline of Route 28.
- (4) Along the westerly side of Wilton Avenue from the northerly curblineline of South Avenue to the terminus of Wilton Avenue.**

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/25/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2088-23 by title:

ORDINANCE 2088-23

ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 121, ALCOHOLIC BEVERAGES, SECTION 121-12 HOURS

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

Section 121-12 shall be amended to read as follows:

§ 121-12 Hours

- A. No licensee nor any employee of a licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage on licensed premises on weekdays between the hours of 2:00 a.m. and 7:00 a.m. or on Sundays between the hours of 2:00 a.m. and 9:30 a.m., except as hereinafter provided. No plenary retail

consumption licensee or any employee of such licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or allow the consumption of any alcoholic beverage on licensed premises on Christmas Day when it is a weekday between the hours of 3:00 a.m. and 7:00 a.m.; on Christmas Day when it is a Sunday between the hours of 3:00 a.m. and 9:30 a.m.; on New Year's day when it is a weekday between the hours of 5:00 a.m. and 7:00 a.m.; on New Year's day when it is a Sunday between the hours of 5:00 a.m. and 9:30 a.m. During the hours sales of alcoholic beverages are hereinabove prohibited, the entire licensed premises shall also be closed; provided, however, that restaurants, as defined in N.J.S.A. 33:1-1t and hotels may remain open for the conduct of business other than the sale of alcoholic beverages. The hours aforesaid shall be the prevailing official time of the Borough of Middlesex.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/25/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2089-23 by title:

ORDINANCE 2089-23

AN ORDINANCE AMENDING CHAPTER 320 (REGISTRATION, LANDLORD) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SO AS TO BRING THE CHAPTER INTO COMPLIANCE WITH NEW JERSEY LAW AND CLARIFY REGISTRATION REQUIREMENTS

WHEREAS, the existing Chapter 320 (Registration, Landlord) currently covers the current obligation of property owners to register their rental units with the Borough on a yearly basis; and

WHEREAS, registering a rental unit with the Borough is accompanied by the payment of a fee used for recouping the Borough's cost for periodic inspections; and

WHEREAS, the periodic inspections of rental units are necessary to determine their condition and ensure compliance with applicable codes and laws; and

WHEREAS, the revised Ordinance demonstrates that the registration and inspection fee is both for the Borough's record-keeping and to recoup costs for inspection, as opposed to a revenue seeking measure exceeding the Borough's licensing authority; and

WHEREAS, the Borough Administration believes that amending Chapter 320 is the correct course of action; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey, that Chapter 320 of the Municipal Code thereof is hereby amended as follows:

SECTION I.

Section 320-1 entitled "Registration and inspection application" is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. ~~An annual~~ registration ~~and inspection~~ application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and inspected as provided herein. Every owner shall file with the ~~Zoning Officer~~ **Code Enforcement Director** or his/her designee a registration **application** ~~form~~ for each individual unit contained within a dwelling available or offered for rent or currently rented **for each yearly cycle as outlined in this Chapter**. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering as provided herein, including any renewals, amendments, or updates, without any further notice from the Borough.
- B. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration **application and Borough-issued registration certificate** ~~form~~.
- C. Upon the filing of a completed registration **application** ~~form~~, payment of the prescribed fee, and, if deemed necessary **as outlined below** ~~in the judgment of the Zoning Officer or his/her designee~~, **contingent upon** a satisfactory inspection, **the Borough shall issue a license permitting occupancy. Upon issuance of a license, the Borough shall deem the rental unit as "registered." Once registered,** the owner shall be entitled to offer such unit(s) for rent, or continue to offer such unit(s) for rent ~~commencing on the date of filing a completed registration form, payment of the prescribed fee, and, if deemed necessary, satisfactory inspection, until the following~~ **annual rental registration and inspection yearly renewal cycle as detailed in Section 320-1(G) February 1.** All rental units must nevertheless be registered **yearly** and inspected **once per every three yearly renewal cycles** in accordance with this chapter. No rental unit shall thereafter be rented unless the rental unit is registered and inspected in accordance with this chapter. **Each rental unit must be registered, and** ~~A registration form shall be required for each rental unit. No~~ person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit which is not registered.
- D. Every person required to file a registration **application** ~~form~~ pursuant to this chapter shall file an amended registration **application** ~~form~~ within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership or tenancy of the premises is changed **as detailed in Chapter 158. In the event of a change in ownership or tenancy a rent/re-sale application and inspection must take place as detailed in Chapter 158.**
- E. **When a registration and inspection application is submitted,** ~~Each rental unit may be subject to an inspection hereunder upon notice. T~~he Borough of Middlesex **Zoning**

and Construction Office will determine whether the unit has been inspected within the last three yearly renewal cycles and, if not, provide notice to the ~~contact the~~ owner of the rental unit to schedule an inspection. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.

- F. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit which is not registered ~~and licensed~~.
- G. The registration of a rental unit shall remain valid until the 30th of June closest in future temporal proximity to the Borough's issuance of a license to the owner. For example, if registration occurs on the 31st of May, it shall be valid until the 30th of June of that same calendar year. However, if registration occurs on the 1st of July, it shall be valid until the 30th of June of the next calendar year. Upon expiration of a rental unit's registration, the owner shall be required to re-register as outlined in this chapter for each yearly renewal cycle. Renewal applications shall be due by the 15th of June of each year, and upon prompt payment and, subject to any necessary inspections as outlined by this Chapter, a registration certificate shall be issued.

SECTION II.

Section 320-2 entitled "Periodic inspections" is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

~~Each rental unit shall conform with all applicable codes, laws, regulations and/or ordinances. The Borough shall conduct inspections on all units available for rent and/or currently being rented on a three-year cycle. Periodic inspections may, in the judgment of the Borough of Middlesex Construction Office, be conducted Every three years, upon notice to the mailing of least ten-days advanced notice from the Borough, the owner shall make the rental unit available for inspection for the purpose of determining Zoning Ordinance compliance, compliance with the Borough's Property Maintenance Code as outlined in Chapter 317, compliance with the State Housing Code and the provisions adopted in Chapter 436, and, to the extent applicable, to determine if the property complies with Property Maintenance Code, the Uniform Construction Code, BOCA Property Maintenance Code, Housing Code and/or Building Code, and the Uniform Fire Safety Act, or any other applicable codes, laws, regulations and/or ordinances. Failure to make the rental unit available for inspection shall be considered a violation of this Ordinance. Upon determining compliance, and upon the receipt any necessary fees, the Construction Official Code Enforcement Director or their designee shall cause to be issued a registration certificate. In the event the unit is not due for an inspection for the current yearly renewal cycle, a certificate shall be issued upon receipt of the annual registration application and fee. certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex. Notwithstanding the provisions of this Section, periodic inspections may be required in the discretion of the Code Enforcement Director upon notice to the owner if the Code Enforcement~~

Director has been made aware of any complaints that, if substantiated, would put the owner in violation of this Chapter or any of the aforesaid applicable codes, laws, regulations, or ordinances.

SECTION III.

Section 320-3 entitled "Fees" is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. Fees shall be as follows:

(1) ~~An~~ **The** annual registration fee ~~shall be of \$150.00~~ **\$50** per unit **per yearly renewal cycle and shall be due upon the filing of the registration application.** **This annual registration and inspection fee shall aid the Borough's costs incurred for determining the condition of rental facilities, ensuring compliance with applicable codes and laws, and safeguarding the health, safety, and welfare of any occupant.** ~~except that there shall be no subsequent renewal fee per unit for all one-to-four rental properties in the same structure.~~

~~(a) Regardless of whether a fee is payable hereunder, every rental property within the Borough shall be registered on an annual basis as provided herein.~~

~~(2) All one-to-four family rental properties will pay a fee of \$50 per unit whenever there is a new tenant registered.~~

~~(3) All rental properties with five or more units will pay an annual fee of \$50 per unit and must register every year.~~

~~(a) Upon registration of a new tenant, no additional annual fee will be assessed. Nothing herein shall relieve rental property owners from the requirement that they register each rental unit upon change of tenant.~~

B. ~~If any fee is not paid~~ **In the event a rental unit is not registered as provided herein or the owner has not paid the registration fee by the due date as outlined above for the yearly renewal cycle** within 30 days of its due date, a late fee surcharge of ~~\$310~~ **per dwelling unit per month** will be assessed for each calendar month or any part thereof following the due date of such fee.

SECTION IV.

Section 320-4 entitled "Violations and penalties" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

A. In the event **the Code Enforcement Director determines that an inspection is necessary pursuant to this Chapter and/or** that the inspection(s) of a rental unit indicate the need for maintenance and/or repairs, such property shall not thereafter be registered, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s), laws, regulations and/or ordinances and the property is thereafter subsequently, reinspected, approved and registered. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within 30 days; and if not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall

constitute a separate and distinct violation, subject to the penalty provisions of § 320-4C of this chapter.

- B. A property shall not be considered registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.
- C. Any person who violates any of the provisions of this ordinance, in addition to any other penalty that may be assessed, shall, upon conviction thereof, pay a fine of not less than \$500, up to \$2,000, for the first offense; not less than \$750, up to \$2,000, for the second offense; and not less than \$1,000, up to \$2,000, for the third or subsequent offense.

SECTION V.

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 VI.

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

SECTION VII.

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

SECTION VIII.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey law but, in no event, less than twenty days after its final passage by the Borough Council and approval by the Mayor where such approval is required.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/25/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2090-23 by title:

ORDINANCE 2090-23

AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.0057 ACRES KNOWN AS BLOCK 43, LOT 32 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED ON SECOND STREET

WHEREAS, the Borough is the fee simple owner of a parcel of land known as Lot 32 in Block 43 on the Middlesex Borough tax map, located on Second Street ("property"), which is

a lot less than the minimum size required for development under the municipal zoning ordinance, and the Borough wishes to sell this lot, which it has determined is not needed for public use; and

WHEREAS, there are two properties which are contiguous to Block 43, Lot 32, namely, Lot 33, owned by Stacey Jimenez, and Lot 30, owned by Dylan Wyatt; and

WHEREAS, by virtue of the existence of these two contiguous properties, the property must be first offered for sale to the owners of these contiguous properties pursuant to N.J.S.A. 40A:12-13.2 and -13(b)(5); and

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, in the County of Middlesex and State of New Jersey, that the property be and is hereby offered for sale, subject to all restrictions and limitations of record or as may be found to exist on the property, to the owners of the two contiguous properties as aforesaid, as more specifically delineated below:

SECTION I.

Part A **Existing Facts**

1. The Borough is the fee simple owner of Block 43, Lot 32 on the Middlesex Borough Tax Map, located on Second Street;
2. The lot in question, as shown on the tax map printout provided as Exhibit A, is an undersized, undevelopable lot in the R60A Residential zone and thus is below the minimum size for development;
3. There are two properties which are contiguous to Lot 32, namely Lots 33 and 30 within Block 43, owned by Stacey Jimenez and Dylan Wyatt, respectively;
4. Pursuant to N.J.S.A. 40A:12-13.2, the owners of these two contiguous properties enjoy the right of first refusal to purchase the subject property;
5. The subject property is not needed for public use;
6. There is no capital improvement existent on the subject property;
7. The fair market value of the subject property, as determined in the formula set forth from the Tax Assessor, is \$2,759.24;

Part B **Sale Pursuant to N.J.S.A. 40A:12-13(b)(5)**

8. The subject property, pursuant to N.J.S.A. 40A:12-13(b)(5), is hereby offered for sale to the highest bidder between the owners of Lot 33 of Block 43 (Stacey Jimenez) and Lot 30 of Block 43 (Dylan Wyatt);

9. Pursuant to N.J.S.A. 40A:12-13(b)(5), "any such sale shall not be for less than the fair market value of said real property";
10. The minimum price for which the subject property shall be sold to the contiguous landowners is \$2,759.24, which is the fair market value of the property as set forth in Paragraph 7 above;
11. This offer of sale of the property to the two contiguous landowners, as reflected in this Ordinance, shall be pursuant to N.J.S.A. 40A:12-13(b)(5):
 - a) This Ordinance and Public Notice shall be posted in the Borough Hall, located at 1200 Mountain Avenue, Middlesex, N.J. 08846
 - b) The notice to sell shall be placed as an advertisement in a newspaper circulating in the Borough in which the subject is property is situated, namely, the Courier News
 - c) Both the posting and the advertisement shall occur within five days following the date of the enactment of this Ordinance;
12. In addition, so as to ensure compliance with N.J.S.A. 40A:12-13.2, the Borough shall mail a copy of this Ordinance as enacted to each of the contiguous property owners within five days of the enactment of this Ordinance, by personal service upon each of them or by certified mail, return receipt requested;
13. Offers to purchase the property may be made by each of the two contiguous landowners within a period of twenty (20) days following the advertisement set forth hereinabove. Said offer shall be made for not less than the minimum price set forth in paragraphs 7 and 10 above;
14. Pursuant to N.J.S.A. 40A:12-13(b), the Borough, having offered the property for private sale to the two contiguous landowners, will file, with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of the advertisement referenced in paragraph 11 above;
15. The offers made by each of the two contiguous landowners shall be accompanied by a certified check or bank check in the amount of 10% of the offer. The check shall made payable to the Borough and held in escrow until closing of title occurs;
16. The highest offer made above the minimum price as set forth above, consistent with the terms of this Ordinance, shall be accepted and a closing of title will be required within sixty (60) days after the offer is accepted. Should a closing not occur during

that timeframe, for any reason related directly or indirectly to the offer or, the Borough shall have the right to terminate the sale. In that eventuality, the other contiguous landowner shall have the right within 10 days after notification that the sale to the other landowner has been terminated to re-submit his original offer and effect a closing of title in accordance with the terms set forth above.

SECTION II.

This Ordinance shall take effect upon final passage and publication according to law.

SECTION III.

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

SECTION IV.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/25/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2091-23 by title:

ORDINANCE 2091-23

AN ORDINANCE AMENDING CHAPTER 436 (HOUSING STANDARDS) SO AS TO ENSURE THE IMPLEMENTATION OF APPLICABLE HOUSING CODES

WHEREAS, Chapter 436 of the Borough Code provides that the Borough has adopted the New Jersey State Housing Code into its Code of Ordinances; and

WHEREAS, the Borough wishes to mandate that copies of the applicable provisions are available to constituents as needed to ensure proper implementation; and

WHEREAS, the following change to the Chapter has 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 436 entitled "Housing Standards" is hereby amended as follows:

SECTION I.

Section 436-2 entitled "Availability of copies" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

~~Copies of the health code hereby adopted are available at the Office of the Board of Health.~~
Copies of the New Jersey State Housing Code are available at the office of the Director of Code Enforcement.

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: 4/25/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2092-23 by title:

ORDINANCE 2092-23

AN ORDINANCE AMENDING CHAPTER 240 (HOUSING STANDARDS) SO AS TO ENSURE THE IMPLEMENTATION OF APPLICABLE HOUSING CODES

WHEREAS, Chapters 240 and 436 of the Borough Code provide that the Borough has adopted the New Jersey State Housing Code into its Code of Ordinances; and

WHEREAS, Chapter 240 of the Borough Code provides for the authorization of certain individuals to exercise and enforce the provisions of the State Housing Code; and

WHEREAS, the Borough wishes to ensure, to the maximum extent of the law, that the

standards are implemented and appropriately enforced; and

WHEREAS, the following changes to the Chapter 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 240 entitled "Housing Standards" is hereby amended as follows:

SECTION I.

Section 240-1 entitled "Officer to exercise powers" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

The Health Officer of the Board of Health of Middlesex, New Jersey, **or any New Jersey State Licensed Housing Inspector hired and designated by the Borough of Middlesex** be and is hereby designated as the officer to exercise the powers prescribed by this chapter, and he shall serve in such capacity without any additional salary.

SECTION II.

Sections 240-2 and 240-3 shall remain unchanged by this Ordinance.

SECTION III.

Section 240-4 shall now be entitled "Duty of Health Officer or Borough Designee" and shall further be amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

The Health Officer **or Borough Designee** is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Borough of Middlesex in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Health Officer **or Borough Designee** is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Health Officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

SECTION IV.

Section 240-5 entitled "Notice of violation" shall be amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

Whenever the Health Officer **or Borough Designee** determines that there are reasonable

grounds to believe that there has been a violation of any provision of this chapter, or any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

- A. Be put in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires; and
- D. Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

SECTION V.

Section 240-6 entitled "Hearings" is hereby repealed in its entirety.

SECTION VI.

Section 240-7 entitled "Enforcement of rules and regulations" shall now be designated as Section 240-6 and shall be amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

The Health Officer **or Borough Designee** is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this chapter, provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter, nor in anywise alter, amend or supersede any of the provisions thereof. The Health Officer **or Borough Designee** shall file a certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of the Borough of Middlesex, New Jersey.

SECTION VII.

Section 240-8 entitled "Occupying and renting restrictions" shall now be designated as Section 240-7.

SECTION VIII.

Section 240-9 entitled "Penalties for violations" shall now be designated as Section 240-8.

SECTION IX.

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 X.

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 XI.

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

SECTION XII.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/25/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2082-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2082-23.

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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2083-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2083-23.

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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2084-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2084-23.

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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2085-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2085-23.

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

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

Mayor Madden opened the Public Hearing on Ordinance No. 2086-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2086-23.

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

2023 BUDGET INTRODUCTION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 110-2023**INTRODUCTION OF THE 2023 MUNICIPAL BUDGET****BOROUGH OF MIDDLESEX
MIDDLESEX COUNTY, NEW JERSEY**

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2023.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023;

BE IT FURTHER RESOLVED, that said Budget be published in the Courier News, NJ.

The Governing Body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2023:

General Appropriations:	
Appropriations Within "CAPS"	\$16,310,244.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	\$6,242,485.33
Municipal Purposes	
Reserve for Uncollected Taxes - Based on	\$775,000.00
Estimated 98+ Percent of Tax	
Collections	
 Total General Appropriations	 \$23,327,729.33
 Less: Anticipated Revenues Other Than	 \$8,293,603.39
Current Property Tax	
 Difference: Amount to be Raised by	
Taxation	
For Support of Municipal Budget	
Local Tax for Municipal Purposes	
Including	
Reserve for Uncollected Taxes	\$14,341,313.94
 Municipal Library Tax	 \$692,812.00
Included in Amount to be Raised by	
Taxation	
 Swimming Pool Utility Operating Fund	
Total Swimming Pool Revenues	\$477,658.00

Total Swimming Appropriations \$477,658.00

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex on April 11, 2023.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 9, 2023 at 7:00 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

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

ADOPTION OF MINUTES

1. Approval of the March 28, 2023 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden asked for a moment of silence in honor of Mayor Ronald S. Dobies.

We are saddened to hear about the passing of the longest tenured Mayor in New Jersey, Mayor Ronald S. Dobies. His tenure has spanned nearly 40 years. I am honored to have served with him on Council.

Ron started as a member of the Board of Education from 1970-1976 before joining the Borough Council for 1 term. He was elected Mayor in 1980 and served consecutive terms until 2006. He stepped down as Mayor from 2006-2008 to serve as the Business Administrator and ultimately took the Administrator position back for an annual salary of only \$1.00. He remained in this position until 2011 when he successfully ran for Mayor again. He retired permanently in 2015 after his 4-year term. During his time in office, he pushed for new development, increased parks & recreation and oversaw the construction of our Senior Citizen Building.

With all these accomplishments, he still maintained his full-time position with Wyeth-Ayerst Research in Pearl River, New York. He was still employed while concomitantly serving as Mayor, which bespeaks so well of his character.

In fact, in 1999 he was elected into the New Jersey Elected Officials Hall of Fame for his accomplishments.

My sincere condolences go out to his family.

Mayor John L. Madden

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

The Bunny Hop was a successful event and thank you to everyone involved in making it so.

JLUB will be meeting tomorrow night at 6pm.

The Board of Education is working on a Shared Service Agreement and the Annual Garbage and Recycling Service Agreement with the Borough.

Bystander Awareness CPR Training will be held April 18th.

The Memorial Day Parade will be on May 29th.

Progress has been made on the Street Scape Project and the work looks good.

Councilman Dessino and Mark Stitt did a great job getting the fields ready.

Thank you, Caroline Benson, CFO, for all your efforts.

Councilman Carnes

Councilman Carnes was absent.

Councilman Dessino

Councilman Dessino made the following comments:

The lights were installed at the library in the parking lot.

The Swim Pool Commission will have their next meeting on April 19th. They will be hosting a Grizzly Bear Plunge on May 27th.

DPW has been kept busy with repairing storm drains, installing new batting cages and a new stump grinder.

The dedication to John Sweeny will be postponed until April 25th.

Thanks to Mark Stitt, we will be receiving a New Hybrid Vehicle at no cost to the Borough.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

Condolences to the family of Mayor Ronald S. Dobies.

The Police are aware of the Wellington and Marlborough situation and a solution is underway, for now signage has been added.

Thanks to Caroline Benson, CFO, for the time and hard work put into the budget.

Councilman Quinn

No report was given.

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

1. The Borough is mourning the passing of long-time Mayor Ronald S. Dobies. Flags are at half-staff in his honor. Memorial bunting loaned by the Middlesex Police Department and a wreath were installed by the Department of Public Works at Borough Hall. A message was also added to the municipal website and to the variable message sign in front of Borough Hall.
 2. Resolutions tonight include an employment agreement and an employee advancement in the Department of Public Works, a purchase of a hybrid fueled vehicle for the DPW and the authorization for a self-examination of the 2023 Municipal Budget of the Mayor and Council.
 3. Progress continues to be made on the streetscaping project along Route 28, Bound Brook Road, in the vicinity of Mountain View Park and Middlesex High School.
 4. There will be a teleconference presentation by EPA/DEP at an upcoming special meeting regarding the condition of Creighton Lake and the cause of the high level of coli.
 5. In anticipation of the adoption of 2090-23, introduced this evening, staff is preparing to begin the process to transfer ownership of the "strip" of Borough land that the Council has discussed (Block 43, Lot 32), at Second and Market streets.
 6. The contract for the Spatial Data Logic (SDL) municipal information management system is currently being reviewed by the Borough Attorney and a resolution is expected to be on the agenda of the April 20th meeting.
 7. The renovation of restrooms here in the Municipal Building is continuing, with one of the rooms completed and work on the second one is still under way.
 8. The Phase 1 Environmental Study by EcolSciences, Inc was conducted for 305 Union Avenue, the Foreign Express site. It is being reviewed by the Borough's Environmental Attorney.
 9. Presbyterian Church site, 1190 Mountain Avenue. A meeting with our Environmental Attorney is being arranged to discuss the proposed Phase 2 environmental analysis submitted by EcolSciences.
-

PRIVILEGE OF THE FLOOR

The following members of the public made comments:

Mark Stitt, Bound Brook NJ, discussed the new Hybrid Vehicle that the Borough will be receiving. He stated that it will be purchased at no cost to the Borough due to left over grant funds. He also discussed the reduced cost of gas usage, and the reduced production of CO2 for the environment.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 111-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the March 2023 Tax Totals.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 112-2023

**DECLARING A 100% DISABLED VETERAN FOR BLOCK 86.04, LOT 13 AND
CANCELING THE 2ND QUARTER TAXES IN THE AMOUNT OF \$2,794.21**

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 86.04 Lot 13 , 5 Douglass Lane has been declared a 100% Disabled Veteran by the Department of Veterans Affairs; and,

WHEREAS, the property owner has completed and submitted the proper paperwork to apply for the Exemption; and,

WHEREAS, the Tax Assessor has approved the application with a date of 3/28/2023; and,

NOW, THEREFORE, the Tax Collector is hereby authorized to cancel the balance of 2nd Qtr. 2023 taxes in the amount of \$2,794.21.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 113-2023

**AUTHORIZING MAYOR MADDEN TO EXECUTE AN AGREEMENT BETWEEN THE
BOROUGH OF MIDDLESEX AND THE DPW PUBLIC WORKS ASSISTANT
SUPERINTENDENT EFFECTIVE APRIL 11, 2023 - APRIL 11, 2026**

The Governing Body authorizes Mayor Madden to execute a three year Agreement between the Borough of Middlesex and Christopher Emmons, Department of Public Works Assistant Superintendent for a term of April 11, 2023 through April 11, 2026.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 114-2023

APPROVING THE ADVANCEMENT OF RONALD SAFAR OF THE DPW TO SOLID WASTE TRUCK DRIVER IN THE RECYCLING CENTER EFFECTIVE IMMEDIATELY

The Governing Body hereby approves the advancement of Ronald Safar to Solid Waste Truck Driver for the roll-off in the Recycling Center to \$40.41 per hour effective immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 115-2023

APPROVING THE REIMBURSEMENT OF A MERCANTILE LICENSE LATE FEE TO UMAIR AHMAD IN THE AMOUNT OF \$75.00

The Governing Body hereby approves the reimbursement of \$75.00 for the 2023-2024 Board of Health Mercantile License to Umair Ahmad, 300 Cator Ave. 1st Floor, Jersey City, NJ as a late fee was inadvertently charged for said 2021-2022 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 116-2023

APPROVING THE RELEASE OF THE PERFORMANCE BOND SUBMITTED BY T.R. WENIGER, INC. FOR THE REHABILITATION OF THE SANITARY SEWERS - PHASE II PROJECT

WHEREAS, final payment to T.R. Weniger, Inc. has been submitted for the Rehabilitation of Sanitary Sewers - Phase II; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, the Borough Engineer, by letter dated March 22, 2023, has recommended the release of Performance Bond No. 100615586, issued by United Statues Surety Company in the amount of \$810,635.00, which was submitted by T.R. Weniger, Inc. and is being held by the Borough for the Rehabilitation of Sanitary Sewers - Phase II; and

WHEREAS, Remington & Vernick Engineers and the Borough Attorney have reviewed all documents and are recommending release of said Performance Bond and accept the Maintenance Guarantee.

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 Remington & Vernick Engineers and the Borough Attorney, the governing body hereby agrees to release the performance bond for the Rehabilitation of Sanitary Sewers - Phase II to T.R. Weniger, Inc.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 117-2023

AUTHORIZING THE PURCHASE OF ONE (1) 2023 FORD HYBRID MAVERICK FROM FULLERTON FORD FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a 2023 Ford Hybrid Maverick for the Department of Public Works; and

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

WHEREAS, the cost for the purchase of a 2023 Ford Hybrid Maverick is not to exceed \$38,266.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a 2023 Ford Hybrid Maverick be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$38,266.00 are available in the following Clean Communities account numbers:

G-02-16-770-000-106	\$100.00 (2019)
G-02-16-770-000-107	\$26,323.50 (2020)
G-02-16-770-000-108	\$11,842.50 (2021)

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 118-2023

APPROVE REIMBURSEMENT OF MERCANTILE LICENSE FEE PAID IN ERROR

The Governing Body hereby approves the reimbursement of \$200.00 for a Board of Health Mercantile License to Sergio De Jesus Bernal, 1218 Raritan Ave, Apt 4A, Highland Park, NJ as he inadvertently applied and paid for a 2023-2024 Board of Health Mercantile License with the Borough of Middlesex in error.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 119-2023

**AUTHORIZING A SELF-EXAMINATION OF THE 2023 MUNICIPAL BUDGET OF THE
MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX - *Item Removed from
Consent***

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Middlesex* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Middlesex* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

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 120-2023

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

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

ADJOURNMENT

The next Regular Meeting will be April 25, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk