



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 25, 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 Martin Quinn
Councilman Douglas Rex

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

1. Arbor Day - April 28, 2023

WHEREAS, in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and

WHEREAS, half of New Jersey's total land area is forested or tree covered; and

WHEREAS, trees play an important role in the ecosystem in which we live, and trees reduce the erosion of our precious topsoil caused by wind and water, clean the air we breathe and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and

WHEREAS, trees are renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and

WHEREAS, trees provide increased property value, enhanced economic viability, and pleasing aesthetic qualities along streets and properties in municipalities; and

WHEREAS, trees planted in yards and farms, in school yards and parks, and along street and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, I, JOHN L. MADDEN, Mayor of the Borough of Middlesex, do hereby proclaim April 28, 2023, as

ARBOR DAY

In the community of Middlesex, and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's Urban Forestry Program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

Councilman Rex read the Arbor Day Proclamation.

2. Sexual Assault Awareness Month 2023

WHEREAS, Sexual Assault Awareness Month and the observance of "Denim Day" draw attention to the fact that sexual violence - including sexual assault, sexual harassment, and sexual abuse - is widespread; and sexual violence has mental and physical health implications for survivors, as well as public health consequences for the Middlesex County community; and

WHEREAS, statistics indicate that every 68 seconds someone is sexually assaulted in the U.S.A. and every 9 minutes the victim is a child; and

WHEREAS, the National Sexual Violence Resource Center's Sexual Assault Awareness Month 2023 theme, "Drawing Connections: Prevention Demands Equity," reflects that oppression - such as sexism, racism, heterosexism, ageism, and ableism - contributes to higher rates of sexual violence; and all forms of oppression must end to successfully stop sexual violence, requiring every segment of society to work together; and

WHEREAS, our community must be educated about how best to support survivors and how to help stop perpetration of sexual violence because prevention is possible; and

WHEREAS, anti-violence and prevention programs of Middlesex County, including the Center for Empowerment and Sexual Violence Prevention Coalition, promote challenging

social norms linked to a culture of violence, increasing racial equity and respect, and speaking out against all acts of violence; and

WHEREAS, the New Jersey Sex Crimes Officers Association and the Middlesex County Sex Crimes Liaison Officers in connection with the Middlesex County Prosecutor's Office are dedicated to ensuring the effective investigation and prosecution of sex crimes through interagency collaboration and training; and

WHEREAS, with commitment, we can reduce sexual violence in Middlesex County by: raising awareness; cultivating healthy relationships and spaces; challenging all forms of oppression; increasing all forms of equity; promoting bystander intervention; and holding perpetrators of violence accountable; and

WHEREAS, throughout the month of April, Middlesex County supports the efforts of national, state, and local partners, as well as encourages every citizen to understand the realities of sexual violence, support survivors in culturally specific ways, and join prevention efforts.

NOW, THEREFORE I, JOHN L. MADDEN, MAYOR of the Borough of Middlesex, along with the members of the governing body do hereby proclaim April 2023 as:

SEXUAL ASSAULT AWARENESS MONTH

and promote the observation of Denim Day on Wednesday, April 26, 2023, joining advocates and support service programs in urging all community members to help end sexual violence.

Councilman Dessino read the Sexual Assault Awareness Month Proclamation.

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2093-23 by title:

ORDINANCE 2093-23

AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE AND SIGN FOR THE DONATION OF PROPERTY FROM THE BOROUGH OF MIDDLESEX TO THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS FOR THE PLANNED CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE GREEN BROOK FLOOD RISK MANAGEMENT PROJECT

WHEREAS, the Borough of Middlesex ("Borough") has engaged with the United States Department of the Army Corps of Engineers ("USACE") for planned construction activities associated with the Green Brook Flood Risk Management Project; and

WHEREAS, although the Borough has the right to receive just compensation for the conveyance of certain parcels and pieces of property to the USACE for improvements associated with the project, it has determined a donation is more appropriate under the circumstances; and

WHEREAS, the conveyance of these properties will result in the protection of local residents from recurring flooding; and

WHEREAS, the USACE has presented the Borough with a list of parcels necessary for the construction of said improvements, which donation letter and list of properties are hereby incorporated into this Resolution as Exhibit A; and

WHEREAS, legal descriptions detailing the particular parcels mentioned in the list included with Exhibit A are available for inspection at the Borough offices; and

WHEREAS, the attached parcels of property are not currently needed for the Borough's public use and are better utilized for the public use regarding the flood improvements pursuant to N.J.S.A. 40A:12-13 and -13.1; and

WHEREAS, the Mayor must sign off on the donation of these parcels;

NOW THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that the Borough consents to and the Mayor and other interested personnel are hereby authorized to sign for the donation of the properties listed in Exhibit A for the improvements necessitated by the Green Brook Flood Risk Management Project and execute any additional documents as may be deemed necessary therefor.

RESULT:	FIRST READING [UNANIMOUS]	Next: 5/9/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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 curblin of Hazelwood Avenue and a point 110 feet west of the westerly curblin

- 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2087-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2087-23.

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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2088-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2088-23.

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

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 re-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. The 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2089-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2089-23.

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

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 be 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2090-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2090-23.

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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2091-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2091-23.

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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2092-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2092-23.

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

ADOPTION OF MINUTES

1. Approval of the April 11, 2023 Regular Meeting Minutes

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

MAYOR'S REPORT

No report was given.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- The next JLUB meeting will be May 10th.
 - The Vacant Lots Committee will start meeting again in early May.
 - The Recreation Department is starting to organize the Memorial Day Parade, which will be on May 29th.
 - Recreation secured a \$79,000 grant, which will be used to make over the bathrooms at Mountain View Park.
 - The Baseball and Softball Season has started.
 - The Fireman's Carnival is this week.
 - Mauger School Baseball and Softball teams are undefeated.
-

Councilman Carnes

Councilman Carnes made the following comments:

Parks Improvement Committee:

Asked the Council to bring any plans for the park to the Committee Chair so they can be kept in the loop.

Board of Ed:

Councilman Carnes spoke to Dr. Freeman, and she absolutely loved the idea of the schools getting involved with the Gardens and can even help our schools with attaining a Sustainable NJ Schools recognition. She mentioned that she has worked to get Silver Certified and having the students even helping in the summer to run a Farmer's Market and also donating food to address food insecurity.

Culture and Heritage Committee

They are working on several projects, Open Mic Night continues to grow.

Color and Flower Festival is intended to be a rain or shine event, if the rain is too much we will reschedule. As of now it is scheduled for the 30th of April 2pm-5pm.

OEM/Rescue/Fire:

Thank you so much for being such amazing volunteers.

Councilman Dessino

No report was given.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

The Memorial Service for Mayor Ronald S. Dobies at the American Legion was well attended and organized.

The Carnival is underway, and the police are actively involved.

Councilman Quinn

Councilman Quinn made the following comments:

Our Board of Health Inspector, Terry Brundage, will be retiring on May 31st.

The Board of Health contract is still not signed.

Councilman Rex

Councilman Rex made the following comments:

Shade Tree Commission met on April 13th.

One resident was present at the meeting to voice his concerns. Issue is that the neighbors tree roots are lifting not only the sidewalk, but impacting street curbing, causing a depression in the street that caused water to accumulated at end of the driveway. The root has also damaged the apron at the end of the drive and caused cracks in the driveway. He wants the tree and root removed and to have everything replaced that was damaged. As per our Ordinance, residents are responsible for those items. The Commission has determined that the tree is healthy and needs no attention. They have reached out to the Borough Attorney for direction in resolving this issue.

Work Agenda:

Shade Tree Chapter 395 revisions: Using both the existing chapter, plus one that Mayor Madden created to continue the update. The Commission presently have updated 4 articles.

New Business:

Girl Scouts have reached out and are interested in doing a planting for the Arbor Day celebration. The plan is to plant Redbud and Northern Red Oak tube seedlings. They will plant in the Open Space Area, on the western side of Raritan Ave.

Communication:

Reviewed 12 emails. Each one was assigned for investigation and will be discussed at the next meeting. Received updated sticker for Tree City signs. Middlesex has been recognized as a Tree City for 34 consecutive years.

Pending Work:

Commission has received partial funds from the 2023 budget. There are 9 pending jobs, totaling \$7,900, already encumbered. The commission voted and determined to clear these jobs to clean the slate for the summer months.

ADMINISTRATOR'S REPORT

1. Just a reminder, please complete your Financial Disclosure forms ASAP. The deadline is this coming Sunday, April 30th.
2. Next Council meeting, May 9th, there will be a resolution in support of the study by the North Jersey Transportation Planning Authority to remove the at-grade railroad crossing at the Bound Brook side of the S. Main Street bridge to South Bound Brook. This track of the Port Reading line would be shifted slightly to the north and an existing railroad overpass would be expanded to accommodate it.
3. Progress continues 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 special Council Meeting on May 22th, 2023 at 7:00 p.m. to discuss the condition of Creighton Lake and the cause of the high level of coli. A teleconference presentation will be made by EPA/DEP. Staff will inform the members of the Board of Health about the meeting.
5. The Police Awards will be distributed at the May 23 Council Meeting.
6. A resolution is on the agenda this evening for the contract for the Spatial Data Logic (SDL) municipal information management system. This software will be used primarily for the construction and zoning departments.
7. The renovation of restrooms here in the Municipal Building is continuing and the work on the second restroom is near completion.
8. The Mayor, Council President Conahan, Councilman Dessino and myself met with the Borough's Environmental Attorney Matt Moench last Friday to review the Phase 1 Environmental Study by EcolSciences, Inc that was conducted for 305 Union Avenue, the Foreign Express site. We also discussed the recommendation by EcolSciences for a Phase 2 study of 1190 Mountain Avenue, the Presbyterian Church site. The full Council will be briefed on the findings of the reports and will discuss the sites in Executive Session this evening.
9. The Clerk has informed me that changes have been made in the Borough' election districts. The Borough Clerk then reviewed the polling site changes that were made by the Board of Elections, which included

moving District 3 (Library) to vote at the High School, District 6 (Beechwood Fire House) to vote at Hazelwood School and District 7 (Pierce Fire House) to vote at Von E. Mauger Middle School.

10. My first all-staff meeting will be this Monday morning, May 1 at 8:30.

PRIVILEGE OF THE FLOOR

The following members of the Public made comments:

Mike Valente, 201 Sherman Avenue, expressed his concerns over the Straight Edge Stripping Company located by his residence. He stated that the company is not following the regulations they should be, creating excessive noise, lights and odor 24 hours a day. He asked the Mayor and Council to look into the ongoing issue.

Resident at 202 Wilton Avenue, expressed his concern that the Post Office will not deliver mail if the mailboxes are blocked, and the parking availability for those on the other side of the street from him. He also expressed his concern over the noise and odors of the Straight Edge Stripping Company. He stated that the company keeps chemicals out in the parking lot. He stated that although the Police have been called on numerous occasions, the issue is still not resolved. He asked the Mayor and Council to have someone follow up on the complaints and the company.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 121-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the March, 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 122-2023

APPROVING THE REIMBURSEMENT OF 2023/2024 BOARD OF HEALTH LICENSES FOR OVERPAYMENT

The Governing Body hereby approves the reimbursement of 2023-2024 Board of Health Mercantile Licenses for overpayment for said 2023-2024 Board of Health Mercantile

Licenses to the following:

Name	Address	Refund Amount
Dollar Tree #04004	500 Volvo Parkway, Chesapeake, VA 23320	\$25.00
Eric Troia	246 Lincoln Blvd, Middlesex, NJ	\$200.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 123-2023

AUTHORIZING THE 2023 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been made available for public inspection and have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that the 2023 municipal budget shall be read by title only.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 124-2023

AUTHORIZING THE MAYOR TO EXECUTE THE SPATIAL DATA LOGIC MASTER AGREEMENT FOR MUNICIPAL MANAGEMENT SOFTWARE FOR THE CONSTRUCTION/ZONING DEPARTMENTS

The Governing Body hereby authorizes the Mayor to execute the Spatial Data Logic Master Agreement, which includes the General Terms and Conditions for use by the Construction/Zoning Departments.

The initial proposal cost for this Management Software is \$31,200, and the Enterprise Licensing Fee for Year 1 will be \$17,000 (included in the \$31,200 Proposal).

The CFO Certifies funds are available in Account No. 3-01-20-140-000-056.

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 125-2023

AUTHORIZING THE TAX COLLECTOR TO REFUND 2ND QTR. 2023 PROPERTY TAXES FOR BLOCK 208 LOT 12 IN THE AMOUNT OF \$2,754.13.

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 208 Lot 12, 519 Hancock Street 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 4/10/2023; and,

WHEREAS, the property owner prepaid 2nd Qtr. 2023 taxes on 4/6/2023, and

NOW, THEREFORE, the Tax Collector is hereby authorized to refund 2nd Qtr. 2023 property taxes in the amount of \$2,754.13.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 126-2023

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE SENIOR CITIZEN / DISABLED PERSON / VETERAN TAX DEDUCTION, BLOCK 6, LOT 2.02, C0030

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2022, and

WHEREAS, once property is sold the deduction is to be removed and/or prorated to new owner; and

WHEREAS, the property has a recorded sale date of 2/24/2023, and;

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2023 year totaling \$213.01.

Name: Erik Paul Seidel & Libia Supelano Martin
Block/Lot: 6 / 2.02 / C0030
Amount: \$231.01
Reason: Sale of property 2/24/2023
Year: 2023

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 127-2023

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTIONS ON
BLOCK 34, LOT 14**

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

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for April 25th, 2023, and;

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

<u>Date of Sale:</u>	11/30/2022
<u>Block/Lot:</u>	34 / 14
<u>Amount:</u>	\$1,495.90
<u>Premium:</u>	\$2,400.00
<u>Certificate:</u>	21-00001
<u>Payable To:</u>	Pro Cap 8 FBO Firsttrust Bank P.O. Box 774 Fort Washington, PA 19034-0774

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 128-2023

**AUTHORIZING THE PURCHASE OF ACUITY COMPUTER AIDED DISPATCH
(SOFTWARE AND LICENSES) UNDER NJ STATE CONTRACT #83889 IN AN AMOUNT
NOT TO EXCEED \$22,272.00**

WHEREAS, the Middlesex Police Department of the Borough of Middlesex wishes to purchase Acuity Computer Aided Dispatch (Software and Licenses) under the NJ State Contract #83889; and

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

WHEREAS, Queues Enforth Development is under the NJ State Contract #83889 for Acuity Computer Aided Dispatch (Software and Licenses); and

WHEREAS, the cost for the purchase is not to exceed \$22,272.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase Acuity Computer Aided Dispatch (Software and Licenses) under NJ State Contract #83889 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$22,272.00 are available in the 2022 Police Department Capital Budget, account number C-04-22-062-000-071.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 129-2023

**APPROVING A BLOCK PARTY TO THE RESIDENTS OF 300 GREENE AVENUE ON
JUNE 3, 2023**

WHEREAS, the residents of 300 Greene Avenue have requested to have a block party on Delaware Avenue between Greene Avenue and Melrose Avenue on June 3, 2023 between the hours of 10 a.m. and 10 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of 300 Greene Avenue to conduct a block party on Delaware Avenue between Greene Avenue and Melrose Avenue on June 3, 2023 between the hours of 10 a.m. and 10 p.m.; and
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 130-2023

**INCREASING LINDA CHICARELLI TO AN ANNUAL SALARY OF \$45,000.00 BASED
UPON HER COMPLETION OF THE TAX COLLECTION I CLASS**

WHEREAS, Linda Chicarelli has successfully completed the Tax Collection I class; and

WHEREAS, Linda Chicarelli will receive a \$2,000.00 salary increase effective immediately

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

1. Linda Chicarelli will receive a \$2,000.00 increase based on her completion of the Tax Collection I class
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 131-2023

ACCEPTING THE TERMINATION OF RICHARD ZYCHLINSKI, MEALS ON WHEELS DRIVER, EFFECTIVE FEBRUARY 3, 2023

The governing body hereby accepts the termination of Richard Zychlinski, Meals on Wheels Driver, effective February 3, 2023.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 132-2023

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE SENIOR CITIZEN/DISABLED PERSON TAX DEDUCTIONS

WHEREAS, certain Senior Citizens/ Disabled Persons were the owners of the property in the Borough of Middlesex on or before October 1, 2022, and

WHEREAS, said Senior Citizens / Disabled Persons did file their claims for the Senior Citizen/ Disabled Person deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2022; and

WHEREAS, the Tax Collector has disallowed the following Senior Citizen/ Disabled Person deduction for the 2022 year totaling \$1,750.00.

Name: Schley, Quentin L & Beverly Ann
Block/Lot: 78 / 24
Amount: \$250.00
Reason: Form Not Returned
Year: 2022

Name: Gajewski Jr., Thaddeus J & Mercier, Janice
Block/Lot: 182 / 13.01
Amount: \$250.00
Reason: Over Income

Year: 2022
Name: Carovillano, Nick A & Adeline C
Block/Lot: 82 / 7
Amount: \$250.00
Reason: Form Not Returned
Year: 2022

Name: Jones, Alexandria S
Block/Lot: 209/ 72
Amount: \$250.00
Reason: Form Not Returned
Year: 2022

Name: Moschetti, Norma
Block/Lot: 266 / 2.03 / C0025
Amount: \$250.00
Reason: Form Not Returned
Year: 2022

Name: Vitale, Peggy
Block/Lot: 282 / 34.02
Amount: \$250.00
Reason: Form Not Returned
Year: 2022

Name: Smith, James L & Janet A L Fellin
Block/Lot: 336.01/ 5
Amount: \$250.00
Reason: Form Not Returned
Year: 2022

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 133-2023

**HIRING JOHN GARCIA AS A PART TIME SANITATION EMPLOYEE IN THE
DEPARTMENT OF PUBLIC WORKS EFFECTIVE MAY 1, 2023**

The Governing Body hereby hires John Garcia, South Bound Brook as a permanent part time employee for the DPW in the Sanitation Department effective May 1, 2023 at \$15.00 per hour, 28 hours per week. Mr. Garcia has completed the requirements of a satisfactory physical and background check.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 134-2023

AUTHORIZING AND RATIFYING THE CIRCULATION OF A PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BOROUGH'S BOND ANTICIPATION NOTES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$6,177,000 AND APPROVING A CONTINUING DISCLOSURE CERTIFICATE WITH RESPECT TO SAID NOTES OF THE BOROUGH, AND AUTHORIZING AND/OR RATIFYING OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"), has previously adopted (i) a bond ordinance numbered 1961-19 duly adopted by the Borough on June 11, 2019 ("Ordinance No. 1961-19"), (ii) a bond ordinance numbered 1962-19 duly adopted by the Borough on June 11, 2019 ("Ordinance No. 1962-19"), (iii) a bond ordinance numbered 1975-19 duly adopted by the Borough on September 10, 2019 ("Ordinance No. 1975-19"), (iv) a bond ordinance numbered 1979-19 duly adopted by the Borough on October 22, 2019 ("Ordinance No. 1979-19"), (v) a bond ordinance numbered 2002-20 duly adopted by the Borough on July 14, 2020 ("Ordinance No. 2002-20"), (vi) a bond ordinance numbered 2039-21 duly adopted by the Borough on August 24, 2021 ("Ordinance No. 2039-21"), (vii) a bond ordinance numbered 2062-22 duly adopted by the Borough on June 28, 2022 ("Ordinance No. 2062-22"), and (viii) a bond ordinance numbered 2068-22 duly adopted by the Borough on September 27, 2022 ("Ordinance No. 2068-22", and together with Ordinance No. 1961-19, Ordinance No. 1962-19, Ordinance No. 1975-19, Ordinance No. 1979-19, Ordinance No. 2002-20, Ordinance No. 2039-21 and Ordinance No. 2062-22", the "Bond Ordinances") which authorized the issuance of bond anticipation notes; and

WHEREAS, the Borough intends to issue its bond anticipation notes on a tax-exempt basis, in an aggregate amount not to exceed \$6,177,000 (the "Notes") under and pursuant to the Bond Ordinances, for the purpose of (i) refunding a portion of the Borough's \$4,420,000 Bond Anticipation Notes, Series 2022A which were issued on May 12, 2022 and which mature on May 12, 2023, and used to finance certain general capital improvements; and (ii) financing the cost of general capital improvements and the acquisition of capital equipment to be undertaken for and by the Borough as described in the Ordinance No. 2062-22 and Ordinance 2068-22; and

WHEREAS, all matters pertaining to the sale of the Notes have been delegated by the Bond Ordinances to the Chief Financial Officer of the Borough; and

WHEREAS, in connection with the offering and sale of the Notes, the Borough distributed a Preliminary Official Statement on April 19, 2023 and intends to distribute a final Official Statement setting forth certain information relating to the Borough and the Notes, and the Borough also intends to enter into a Continuing Disclosure Certificate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AS FOLLOWS:

SECTION 1. Authorization for Official Statement. The distribution by the Borough, and its municipal advisor, of the Preliminary Official Statement relating to the Notes (a copy of which is attached hereto as **Exhibit A** and shall be filed with the records of the Borough) is hereby ratified and approved in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Borough

officer executing the same may approve, such approval to be evidenced by such Borough officer's execution thereof. The Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect. The Chief Financial Officer is hereby authorized to approve the contents and terms of the final Official Statement in respect of the aforementioned notes in substantially the form of the Preliminary Official Statement. The Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the Borough, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Borough officer executing the same may approve, such approval to be evidenced by such Borough officer's execution thereof.

SECTION 2. Continuing Disclosure. The form of the Continuing Disclosure Certificate in substantially the form attached hereto as **Exhibit B** is hereby approved, and the execution of the Continuing Disclosure Certificate by Chief Financial Officer of the Borough is hereby authorized. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the Borough and dated the date of issuance and delivery of the Notes, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the Borough to comply with the Continuing Disclosure Certificate shall not be considered a default on the Notes; however, any holder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Borough to comply with its obligations under this Section.

Section 3. Further Action. Any matter relating to the award, sale or execution of the Notes which has been delegated to the Chief Financial Officer may be performed by said officer. On behalf of the Borough, the appropriate representatives of the Borough are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of this Resolution with respect to the issuance, sale and delivery of the Notes, including, but not limited to the execution of all tax certificates and other closing documentation. All such actions heretofore taken are hereby ratified, approved and confirmed.

Section 4. Effective Date. This Resolution shall take effect upon adoption.

CERTIFICATE

I, Clerk of the Borough of Middlesex, in the County of Middlesex, New Jersey, HERBY CERTIFY that the foregoing annexed extract from the minutes of the meeting of the governing body of the Borough duly called and held on April 25, 2023 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2023.

[SEAL]

Municipal Clerk

EXHIBIT A**DRAFT FORM OF PRELIMINARY OFFICIAL STATEMENT****EXHIBIT B****FORM OF CONTINUING DISCLOSURE CERTIFICATE**

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Issuer") in connection with the issuance by the Issuer of its Bond Anticipation Notes, Series 2023A, in the aggregate principal amount of \$6,177,000 (the "Notes"). The Notes are being issued pursuant to various bond ordinances duly adopted by the Issuer. The Issuer covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Noteholders and Beneficial Owners of the Notes and in order to assist the Participating Underwriter in complying with the provisions of Rule 15c2-12(b)(5) promulgated by the Securities and Exchange Commission ("SEC") under the Securities Exchange Act of 1934, as the same may be amended from time to time ("Exchange Act").

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

"Beneficial Owner" shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Notes (including persons holding Notes through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Notes for federal income tax purposes.

"Continuing Disclosure Information" shall mean: (i) any notice required to be filed with the MSRB pursuant to Section 4 hereof; and (ii) any notice of an event required to be filed with the MSRB pursuant to Section 3(c) hereof.

"Dissemination Agent" shall mean Phoenix Advisors, LLC, or any successor

Dissemination Agent designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

"Financial Obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

"Listed Events" shall mean any of the events listed in Section 3(a) of this Disclosure Certificate.

"MSRB" shall mean the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Exchange Act.

"Noteholder" shall mean any person who is the registered owner of any Note, including holders of beneficial interests in the Notes.

"Participating Underwriter" shall mean any of the original underwriters of the Notes required to comply with the Rule in connection with offering of the Notes.

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of New Jersey.

SECTION 3. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 3, the Issuer shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Notes, if material:

1. principal and interest payment delinquencies;
2. non-payment related defaults, if material;
3. unscheduled draws on the debt service reserves reflecting financial difficulties;
4. unscheduled draws on the credit enhancements reflecting financial difficulties;
5. substitution of the credit or liquidity providers or their failure to perform;
6. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax-exempt status of the Notes;

7. modifications to rights of Noteholders, if material;
8. Note calls, if material, and tender offers;
9. defeasances;
10. release, substitution or sale of property securing repayment of the Notes, if material;
11. rating changes;
12. bankruptcy, insolvency, receivership or similar events of the Issuer, which shall be considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer;
13. the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect Noteholders, if material; and
16. default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

(b) Whenever the Issuer obtains knowledge of the occurrence of a Listed Event described in subsection (a) for which the disclosure obligation is dependent upon

materiality, the Issuer shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If disclosure of a Listed Event is required, the Issuer shall in a timely manner not in excess of ten business days after the occurrence of the event, file a notice of such occurrence with the MSRB in an electronic format as prescribed by the MSRB. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

SECTION 4. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Notes. If such termination occurs prior to the final maturity of the Notes, the Issuer shall give notice of such termination in the same manner as for a Listed Event under Section 3(c).

SECTION 5. Dissemination Agent. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the Issuer pursuant to this Disclosure Certificate. The initial Dissemination Agent shall be the Issuer.

SECTION 6. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Section 3, it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Notes, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Notes, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the Noteholders or Beneficial Owners of the Notes.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the Issuer shall describe such amendment in the same manner as for a Listed Event under Section 3(a), and shall include a narrative explanation of the reason for the amendment or waiver.

SECTION 7. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any

information in any notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Certificate to update such information or include it in any future notice of occurrence of a Listed Event.

SECTION 8. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate any Noteholder or Beneficial Owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an Event of Default on the Notes, and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 9. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's gross negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Notes.

SECTION 10. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and the Noteholders and Beneficial Owners from time to time of the Notes, and shall create no rights in any other person or entity.

Date: May __, 2023

BOROUGH OF MIDDLESEX, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY

By: _____
CAROLINE BENSON,
Chief Financial Officer

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 135-2023

**APPROVING THE PURCHASE OF A BURGLAR ALARM SYSTEM AND PANIC
BUTTONS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$17,007.48**

WHEREAS, the Middlesex Police Department wishes to purchase a burglar alarm system and panic buttons for the Police Department in the amount of \$17,007.48; and

WHEREAS, two (2) quotes were received for the purchase a burglar alarm system and panic buttons from the following vendors:

- 1) Dynamic Protection Systems, Middlesex, NJ - \$17,007.48
- 2) ADT Commercial - \$28,710.02

WHEREAS, the Police Department and the Purchasing Agent recommend using Dynamic Protection Systems for the purchase of a burglar alarm system and panic buttons in the amount of \$17,007.48; and

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

1. Based upon the recommendation of the Police Department and the Purchasing Agent, the governing body hereby approves the purchase of a burglar alarm system and panic buttons from Dynamic Protection Systems in the amount of \$17,007.48.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount \$17,007.48 are available as follows:

2022 Capital Police, Account No. C-04-22-062-000-071 - \$ 9,827.67

2022 Capital Buildings & Grounds, Account No. C-04-22-062-000-083 - \$ 7,179.81

Caroline Benson, Treasurer

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 136-2023

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, Carnes, Dessino, Mikolajczyk, Quinn, Rex

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 137-2023**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 the Environmental Study regarding 302 Union Avenue and an Update on 1190 Mountain Avenue; 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, Quinn, Rex

Environmental Study - 302 Union Avenue

Update - 1190 Mountain Avenue

ADJOURNMENT

The next Regular Meeting will be May 9, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk