



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, June 27, 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

ORDINANCE(S) FOR INTRODUCTION

CFO Caroline Benson discussed the capital budget process with regard to Ordinance No. 2095-23:

The templates for both Operating & Capital Budget requests were sent to the Department Heads & Council back in January. She reviewed all the requests, ask clarifying questions to the Department Heads if needed, set up meetings with the Department Heads, and had the Council President & Administrator review all the items requested

During the meetings they decided what gets approved, what gets pushed to next year, and any additions or

changes since the initial request. When all meetings were completed, the CFO put together a detailed overview of all items to be included and sent to Mayor & Council (2 weeks ago) to review for any questions or discussion about items and finally forward to the Bond Counsel to draft the Ordinance. The Ordinance appropriates money for the projects included within, but does not mean we must complete all the projects and expend all funds.

The new debt incurred by the Capital Ordinance will be less than the amount of old debt that is paid off during 2023.

Borough Clerk Linda Chismar read Ordinance 2095-23 by title:

ORDINANCE 2095-23

BOND ORDINANCE PROVIDING VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$1,926,350 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,359,350 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,926,350, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$492,000 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), and \$75,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,359,350, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the following:

i) acquisition of various equipment for the Police Department, including, but not limited to, a police sport utility vehicle (SUV) with equipment, a portable radar and remote controls, portable radio microphones, tasers with cameras and related equipment, ballistic shields and helmets, traffic safety signs and equipment, a major disaster enclosed trailer, a speed feedback trailer, and rescue vehicle equipment, with a total appropriation and estimated cost of \$266,926, estimated amount of bonds and notes therefor of \$252,647, and an average period of usefulness of five (5) years;

ii) equipment maintenance and acquisitions for the Fire Department, including, but not limited to, a replacement truck, turnout/bunker gear, a thermal imaging camera, records management software setup/installation, trailer lights and lettering, engine repainting, two (2) air compressors, and a full-matrix mini message center, with a total appropriation and estimated cost of \$161,381, estimated amount of bonds and notes therefor of \$153,212, and an average period of usefulness of five (5) years;

iii) acquisition of a welder and various vehicles for the Road Department, with a total appropriation and estimated cost of \$76,600, estimated amount of bonds and notes therefor of \$72,520, and an average period of usefulness of 6.33 years;

iv) acquisition of various park equipment and improvements to Mountainview Park, including, but not limited to, replacement fencing, basketball and tennis court resurfacing, new pickleball courts, and replacement benches, tables, and garbage cans, with a total appropriation and estimated cost of \$97,029, estimated amount of bonds and notes therefor of \$91,927, and an average period of usefulness of 13.42 years;

v) acquisition of various equipment for the Department of Senior & Disabled Services, including, but not limited to, a non-passenger vehicle, chairs, and collapsible tables, with a total appropriation and estimated cost of \$39,834, estimated amount of bonds and notes therefor of \$37,792, and an average period of usefulness of five (5) years;

vi) various equipment acquisitions and upgrades for the Recreation Department, including, but not limited to, soccer goals/nets, a Christmas display/tree lighting, playground equipment upgrade, movable pedestrian fencing/barricades, backstop replacement at Mauger Fields, locked equipment boxes, and dog park equipment, with a total appropriation and estimated cost of \$59,751, estimated amount of bonds and notes therefor of \$56,690, and an average period of usefulness of 12.35 years;

vii) various acquisitions for and improvements to the Public Library, including, but not limited to, new computers for staff, replacement of existing non-tempered glass windows with tempered glass windows, new lighting in the children's section, and awnings over exterior doorways, with a total appropriation and estimated cost of \$27,575, estimated amount of bonds and notes therefor of \$26,046, and an average period of usefulness of 12.04 years;

viii) various acquisitions and improvements for the Buildings and Grounds Department, including, but not limited to, building maintenance, rooftop heating, ventilation, and air conditioning (HVAC) units for various Borough buildings, lighted sign replacement and asphalt/curb improvements at Police Headquarters, and a building generator for the Municipal Building, with a total appropriation and estimated cost of \$270,658, estimated amount of bonds and notes therefor of \$256,375, and an average period of usefulness of 14.53 years;

ix) road improvements to Douglass Lane, Rutgers Lane and Princeton Drive, including, but not limited to, milling and overlay, with a total appropriation and estimated cost of \$576,770 including said \$492,000 grant funds expected to be received from the NJDOT, estimated amount of bonds and notes therefor of \$80,181, and an average period of usefulness of twenty (20) years;

x) tree inventory digital mapping for the Shade Tree Commission, with a total appropriation and estimated cost of \$30,642, estimated amount of bonds and notes therefor of \$29,110, and an average period of usefulness of five (5) years;

xi) various information technology (IT) equipment acquisitions and upgrades, including, but not limited to, new computers, an uninterruptible power supply (UPS) for the Municipal Building, and door access system upgrade software and installation, with a total appropriation and estimated cost of \$99,585, estimated amount of bonds and notes therefor of \$94,481, and an average period of usefulness of 6.69 years;

xii) acquisition of a jet vac truck for the Sewer Department, with a total appropriation and estimated cost of \$40,857, estimated amount of bonds and notes therefor of \$38,814, and an average period of usefulness of twenty (20) years; and

xiii) acquisition of a hydro rake boat and a land stability/erosion plan for Victor Crowell Lake, with a total appropriation and estimated cost of \$178,742, estimated amount of bonds and notes therefor of \$169,555, and an average period of usefulness of five (5) years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,359,350, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,926,350, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,926,350 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$75,000 down payment for said purposes, and the sum of \$492,000 grant funds expected to be received from the NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 9.31 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,359,350 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$350,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all

the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Borough Clerk Linda Chismar read Ordinance 2096-23 by title:

ORDINANCE 2096-23

ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROVING THE ASSIGNMENT OF A FINANCIAL AGREEMENT FROM CP MIDDLESEX URBAN RENEWAL LLC TO 245 MOUNTAIN AVE. URBAN RENEWAL LLC

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Act**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the “**Borough**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, in full accordance with all applicable provisions of the Act, the Borough adopted the Lincoln Boulevard Redevelopment Plan (the “**Redevelopment Plan**”) for the revitalization and redevelopment of Lincoln Boulevard and Mountain Avenue, which Redevelopment Plan consists of Block 318, Lots 1.01, 4.02 (a/k/a Block 371, Lot 4.02), 21, 38.01, 43, 44, 45, 48 and Block 319, Lots 23, 24, 26, 28, 45 and 47 on the tax maps of the Borough (the “**Redevelopment Area**”); and

WHEREAS, CP Middlesex Urban Renewal LLC, a New Jersey limited liability company (the “**Redeveloper**”), has agreed to develop a portion of the area in the Redevelopment Plan and designated as Block 318, Lot 1.02, which was formerly designated as Lots 4.02 (a/k/a Block 371, Lot 4.02), 38.01 and 48 on the tax maps of the Borough (the “**Project Area**”);

WHEREAS, the proposed project to be constructed in the Project Area will consist of a warehouse building with related improvements (the “**Project**”);

WHEREAS, in order to enhance the economic viability of and opportunity of the Project, the

Borough and the Redeveloper entered into that certain Financial Agreement, dated January 11, 2021 (the “**Financial Agreement**”), which governs payments made to the Borough in lieu of real estate taxes on the Project pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “**Tax Exemption Law**”); and

WHEREAS the Redeveloper desires to assign, convey, set over and transfer to 245 Mountain Ave. Urban Renewal LLC, a New Jersey limited liability company and urban renewal entity qualified as such pursuant to the Tax Exemption Law, all of its right, title, interest and obligations in, to and under the Financial Agreement; and

WHEREAS, the Mayor, together with counsel for the Borough, as well as the Borough Council, have reviewed the proposed assignment agreement (the “**Assignment Agreement**”), and have found that it complies with all those conditions of assignment set forth in Section 9.01 of the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex as follows:

Section 1. The Borough hereby consents to the assignment of the Financial Agreement to 245 Mountain Ave Urban Renewal LLC, and the Assignment Agreement, a copy of which is annexed hereto, is hereby approved.

Section 2. The Mayor and the Clerk are hereby authorized and directed to take all action necessary, if any, to cause the execution and effectuation of the Assignment.

Section 3. If any part of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 4. This ordinance shall take effect in accordance with law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 7/25/2023 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

ADOPTION OF MINUTES

1. Approval of the June 13, 2023 Regular & Executive Meeting Minutes

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

2. Approval of the May 22, 2023 Special Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden commented that he had contacted Senator Bramnick about the issues at Heather Lane and Creighton Lake looking for solutions to the problems.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- The Board of Education approved the CPR training course that is offered through OEM to be held at the High School Football games this fall.
- JLUB will meet tomorrow at 7pm.
- National Night out will be held August 1st at Mountain View Park.
- The Recreation Department is planning a movie in the park to be shown in July.
- The Food Truck Festival will be held Saturday, September 30th.
- Thank you Rich Thomasey for running the boys and girls track program this spring.
- Thank you Caroline Benson and Michael La Place for your work on the Capital Budget preparation.

Councilman Carnes

Councilman Carnes thanked the Mayor for his continual efforts in conjunction with the Senator.

Councilman Dessino

Councilman Dessino made the following comments:

- The Streetscape split rail fence is on back order, as well as the water fountain for the Dog Park.
- The Department of Public Works is still helping the Seniors on trips by providing a driver, as well as still sending someone to clean Borough Hall.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

- Two officers are moving up.
- Creighton Lake was mentioned by the Senator at the Republican Fundraiser, proving that we are still on the radar.

Councilman Quinn

Councilman Quinn reported that the Board of Health will meet on July 13th at 7pm.

Councilman Rex

No Report was given

ADMINISTRATOR'S REPORT

1. Ordinance No. 2095-23 is the introduction of the capital budget. I want to thank our CFO, Caroline Benson for all her hard work on this capital budget.
2. Ordinance No. 2096-23 Assigns the Financial Agreement from CP Middlesex Urban Renewal LLC to 245 Mountain Avenue Urban Renewal LLC which governs the payments on the PILOT Agreement- Introduced tonight
3. Awarding a contract to Ability Recovery Services, LLC for the collection of outstanding debt pending in the Court Office.
4. Approves the resolution that the Council has reviewed at a minimum the comments and recommendations for the 2022 Annual Audit. Linda will circulate the Affidavit that must be signed by council this evening, after approval of the resolution.
5. Resolution #204-2023 Authorizes the Mayor to execute the Estoppel Certificate relating to the transfer of Midmarket Urban Renewal, LLC, 242 Lincoln Boulevard to Middlesex Operating Urban Renewal, LLC, who will be assuming all obligations under the financial agreement at the closing. The title company require this Estoppel Certificate be executed by the Mayor.
6. A resolution is on the Agenda to Authorize the submission of the NJDOT Grant Application for Street Improvements for 2024 which includes First Street, Second Street and Seneca Ave.
7. Resolution #206 & 207-2023 awards the RFP for Bond Attorney and Conflict Redevelopment Attorney to Dilworth Paxson LLP, who have merged with Gluckwalrath. Chris Walrath and Meghan Ann Bennett will continue on in these positions.
8. 302 Union Avenue - We expect to close on this property very shortly, at which time it will be added to Victor Crowell Park.

PRIVILEGE OF THE FLOOR

Shannon Quinn, 154 Stout, expressed her thanks to the Council for including Mountain View Park and Victor Crowell Park in the Capital Budget.

Frank Ryan, 303 Maple Street, stated that he believes that the fish kill is not enough reason to not correct the issues at the lake, and more money needs to start going towards Victor Crowell Park. He stated his thanks to Caroline Benson for explaining the process of preparing the Capital Budget and the process for adopting it. He also expressed his thanks to Councilman Carnes for getting the purchase of the Ojiba property first started. Mr. Ryan showed concern for the geese problem at the Lake, stating that the Borough should look into solutions to deter them from the vicinity.

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 200-2023**ACCEPTANCE OF STANDING REPORTS**

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the May, 2023 Police Report.
2. Acceptance of John Pazar's New Jersey State Fireman's Association Application for Membership.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 201-2023**APPROVING A BLOCK PARTY ON JULY 1, 2023 BETWEEN 12PM AND 8PM ON B STREET BETWEEN WALNUT STREET AND MAPLE STREET**

WHEREAS, the residents of 237 B Street have requested to have a block party on B Street between Walnut Street and Maple Street on July 1, 2023 between the hours of 12 p.m. and 8 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 237 B Street to conduct a block party on B Street between Walnut Street and Maple Street on July 1, 2023 between the hours of 12 p.m. and 8 p.m.
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 202-2023**AWARDING THE CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL DEBT SERVICES TO ABILITY RECOVERY SERVICES, LLC AS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER**

WHEREAS, the Borough of Middlesex Administration have determined that there is a need for the acquisition of the following goods and services: Private Collection of Municipal Debt Services; and

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for the Private Collection of Municipal Debt Services were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, One (1) bid was received and read out loud in public on May 31, 2023, for the Private Collection of Municipal Debt Services; and

WHEREAS, the following bid listed below was received for this service:

- 1) Ability Recovery Services, LLC
284 Main Street, Dupont, PA

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:

- 1) At the recommendation of the Borough Administrator, the Mayor and governing body hereby awards the contract for the Private Collection of Municipal Debt Services to Ability Recovery Services, LLC as the lowest responsive, responsible bidder.
- 2) The Mayor and Borough Clerk are hereby authorized to execute the Borough standard form of Contract for Goods and Services referenced herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.
- 3) The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Borough Administrator Borough Attorney, and Ability Recovery Services, LLC.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 203-2023

**THE GOVERNING BODY HAS COMPLIED WITH N.J.A.C. 5:30-6.5 AND HAS
REVIEWED THE ANNUAL AUDIT - *Item Removed from Consent***

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and

Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Borough of Middlesex, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESULT:	ADOPTED BY CONSENT VOTE [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 204-2023

**RESOLUTION OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX,
NEW JERSEY AUTHORIZING THE MAYOR TO EXECUTE AN ESTOPPEL
CERTIFICATE RELATING TO A FINANCIAL AGREEMENT BY AND BETWEEN THE
BOROUGH AND MIDMARKET URBAN RENEWAL LLC EXECUTED IN CONNECTION
WITH THE REHABILITATION OF BUILDINGS AND IMPROVEMENTS ON REAL
PROPERTY DESIGNATED AS BLOCK 349, LOT 10 ON THE OFFICIAL TAX MAPS OF
THE BOROUGH**

WHEREAS, on June 27, 2018, the Borough and Midmarket Urban Renewal LLC (the "**Entity**") entered into a Financial Agreement (the "**Financial Agreement**") related to, among other things, the granting of a long term tax exemption and the issuance of Redevelopment Area Bonds in order to incentivize the Entity to undertake the rehabilitation of the buildings and improvements on certain real property located within the Borough, specifically Block 349, Lot 10 on the official tax map of the Borough (the "**Property**") with the intention of developing a new grocery store thereon (the "**Project**"); and

WHEREAS, by letter dated June 8, 2023 from counsel to the Entity, a copy of which is attached hereto as Exhibit A, the Entity provided notice to the Borough that it will be transferring the Property and the Project to Middlesex Operating Urban Renewal, LLC, a qualified urban renewal entity organized under the State of New Jersey Long Term Tax Exemption Law, which will assume all obligations under the Financial Agreement upon its purchase of the Property and the Project; and

WHEREAS, Section 9.1 of the Financial Agreement permits the conveyance of the Property and the Project in its entirety to another qualified "urban renewal entity" upon certain conditions set forth in such section (the "**Conveyance Conditions**"); and

WHEREAS, pursuant to Section 11.11 of the Financial Agreement, the Entity has requested the Borough to issue a signed estoppel certificate (the "**Estoppel Certificate**") and has provided evidence of satisfaction of the Conveyance Conditions; and

WHEREAS, the Mayor and Council, based upon the advice of Borough staff and its Special Redevelopment Counsel, are satisfied that the Conveyance Conditions have been satisfied.

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

1. The Mayor is hereby authorized to execute the Estoppel Certificate, in the form annexed hereto as Exhibit B, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Estoppel Certificate to the Borough Attorney and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to the Entity. The Borough Clerk shall retain at least one (1) fully executed copy of the Estoppel Certificate on file in her office.
3. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 205-2023

RENEWAL OF THE CAHOOTS, INC. LIQUOR LICENSE FOR 2023 - 2024

The application for the Cahoots, Inc. renewal of the Liquor License for the year 2023-2024 be accepted; and the Borough Clerk is hereby authorized to issue the following pocket license in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

Cahoot's Inc.
624 Lincoln Boulevard

1211-33-003-003

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 206-2023

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO THE FIRST STREET, SECOND STREET & SENECA AVE PROJECT.

NOW THEREFORE, BE IT RESOLVED that Council of Borough of Middlesex formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk and Colliers Engineering & Design are hereby authorized to submit an electronic grant application identified as MA-2024-Improvements to First Street, Second Street & Seneca Ave.-00030 to the New Jersey Department of Transportation on behalf of the Borough of Middlesex.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Middlesex and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 207-2023

APPOINTMENT OF MEGHAN ANN BENNETT OF THE FIRM DILWORTH PAXSON LLP AS BOND ATTORNEY FOR THE TERM JUNE 28, 2023 - DECEMBER 31, 2023

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Meghan Ann Bennett of the firm of Dilworth Paxson LLP, having offices located at 4 Paragon Way, Suite 400, Freehold, NJ 07728 as the Bond Attorney for the Borough of Middlesex for the period of June 28, 2023 to December 31, 2023 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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. Meghan Ann Bennett of the firm Dilworth Paxson LLP, having offices located at 4 Paragon Way, Suite 400, Freehold, NJ 07728 is hereby appointed as the Bond Attorney for the Borough of Middlesex for the period of June 28, 2023 through December 31, 2023 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 208-2023

**APPOINTMENT OF CHRISTOPHER WALRATH OF THE FIRM DILWORTH PAXSON LLP
AS CONFLICT REDEVELOPMENT ATTORNEY FOR THE TERM JUNE 28, 2023 -
DECEMBER 31, 2023**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Christopher Walrath of the firm Dilworth Paxson LLP, 4 Paragon Way, Suite 400, Freehold, NJ 07728 as the Conflict Redevelopment Attorney for the Borough of Middlesex for the period of June 28, 2023 to December 31, 2023 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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. Christopher Walrath of the firm Dilworth Paxson LLP., having his office located at 4 Paragon Way, Suite 400, Freehold, NJ 07728 is hereby appointed as the Conflict Redevelopment Attorney for the Borough of Middlesex for the period of June 28, 2023 through December 31, 2023 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 209-2023

**APPROVAL TO ADVANCE POLICE OFFICER APRIL MENDITTO TO POLICE OFFICER
CLASS "I" AT AN ANNUAL SALARY OF \$60,096 EFFECTIVE JULY 13, 2023**

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

WHEREAS, On June 21, 2023 Chief Geist recommended Police Officer April Menditto be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer April Menditto be and is hereby advanced in grade to Police Officer Class "I" on July 13, 2023 at an annual salary of \$60,096.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 210-2023

APPROVAL TO ADVANCE POLICE OFFICER CHRISTIAN DULIN TO POLICE OFFICER CLASS "I" AT AN ANNUAL SALARY OF \$60,096 EFFECTIVE JULY 13, 2023

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

WHEREAS, On June 21, 2023 Chief Geist recommended Police Officer Christian Dulin be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Christian Dulin be and is hereby advanced in grade to Police Officer Class "I" on July 13, 2023 at an annual salary of \$60,096.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 211-2023

AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, NJ HEALTH BENEFITS PLANS

WHEREAS, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

WHEREAS, certain retired employees of the Borough have applied for reimbursement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw checks, charged against Group Insurance for Employees from the period January 2023 through June 2023, as follows:

Anello, John 108 Howard Ave Middlesex, NJ 08846	\$1,247.40	James L Benson 445 Harris Ave Middlesex, NJ 08846	\$1,384.80
Patricia A Benson 445 Harris Ave Middlesex, NJ 08846	\$1,384.80	Archie J Blood Jr 54 Lincoln Ave Barnegat, NJ 08005	\$578.40
Margie L Blood 54 Lincoln Ave Barnegat, NJ 08005	\$629.40	Cynthia Chomen 10 Oswego Ave Middlesex, NJ 08846	\$989.40
Anthony Cole 900 Rolling Hills Ln Neshanic Station, NJ 08853	\$989.40	Susan Cole 900 Rolling Hills Ln Neshanic Station, NJ 08853	\$989.40
Dorothy Coren 20 Mead Ave Middlesex, NJ 08846	\$663.00	Joseph Coren 20 Mead Ave Middlesex, NJ 08846	\$1,069.80
DeVuyst, Debra 148 Turner Rd Sugar Run, PA 18846	\$989.40	DeVuyst, Kenneth 148 Turner Rd Sugar Run, PA 18846	\$989.40
Donatelli, Dennis 7 June Way Middlesex, NJ 08846	\$989.40	Donatelli, Kathy 7 June Way Middlesex, NJ 08846	\$989.40
Michele Lella Echols 195 Shafer Ave Phillipsburg, NJ 08865- 2414	\$989.40	John Fuhrmann 38 Whitney Dr Middlesex, NJ 08846	\$813.00
Sheila Fuhrmann 38 Whitney Dr Middlesex, NJ 08846	\$813.00	John Giuliano 339 Second St Middlesex, NJ 08846	\$578.40
John A Haverstick 771 County Rt 16 Mexico, NY 13114- 3193	\$1,020.60	Deborah Iannetti 35 Orchard Rd Middlesex, NJ 08846	\$1,190.50
Charlie Nash 13 Homestead Terrace	\$989.40	Jerome Nowak 6544 North Kennedy Ave	\$578.40

Scotch Plains, NJ 07076

Fresno, CA 93720

Kevin Reilly \$1,020.60
436 Giles Ave
Middlesex, NJ 08846

Erica Schaefer \$629.40
58 Joe-Ent Rd
Flemington, NJ 08822

Maureen Schaefer \$813.00
58 Joe-Ent Rd
Flemington, NJ 08822

Charles Sebastian \$768.00
512 Clinton Ave
Middlesex, NJ 08846

Rita Wahler \$599.40
16 Fitzsimmons Ave
Middlesex, NJ 08846

Jerry Schaefer \$629.40
58 Joe-Ent Rd
Flemington, NJ 08822

Robert Schwarz \$1,020.60
265 Fountain St
Port Charlotte, FL 33953

James Tolomeo \$629.40
45 Myrtle Ct
Whitehouse Station, NJ 08889

Roger Wahler \$629.40
16 Fitzsimmons Ave
Middlesex, NJ 08846

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 212-2023

ACCEPTING THE RESIGNATION OF DAVID SANDOVAL FROM THE DPW

Accepting the resignation of David Sandoval, a permanent part time Department of Public Works employee effective June 20, 2023.

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 213-2023

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 214-2023

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 including Lake Creighton - Potential Litigation, which are exempted from the Public; 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

Lake Creighton - Potential Litigation

ADJOURNMENT

The next Regular Meeting will be July 25, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk