



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, August 22, 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 Martin Quinn
Councilman Douglas Rex

Councilman Jack Mikolajczyk -- **Absent**

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

Mayor Madden requested to amend the Agenda to remove Real Estate - 1190 Mountain Ave. & 302 Union Ave. from Executive Session

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

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Karen Rutkowski from the Board of Health

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

2. Appointment of Kevin Nelson as a Regular Member of the Board of Health

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2099-23 by title:

ORDINANCE 2099-23

AN ORDINANCE REPEALING CHAPTER 12 (POLITICAL CONTRIBUTIONS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO COMPLY WITH THE MANDATE OF THE NEW JERSEY STATE LEGISLATURE REPEALING ALL LOCAL PAY-TO-PLAY ORDINANCES THROUGHOUT THE STATE

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

WHEREAS, on April 3, 2023, the New Jersey Governor Phil Murphy signed the Elections Transparency Act, P.L. 2023, c. 30, which makes significant changes to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:43A-1, et seq. ("the Act"); and

WHEREAS, the Act sunsets all county, municipal, independent authority, board of education, or fire district ordinances, resolutions or regulations limiting the awarding of public contracts to entities which have made a campaign contribution and creates one uniform authority for such contributions; and

WHEREAS, the repeal of the Borough's local ordinance concerning political contributions is a state mandate and is non-discretionary; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 12 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey entitled "Political Contributions" is hereby repealed in its entirety.

Section I

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

Section II

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

Section III

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

RESULT:	FIRST READING [4 TO 0]	Next: 9/12/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Dessino, Quinn, Rex	
ABSTAIN:	Carnes	
ABSENT:	Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2097-23 by title:

ORDINANCE 2097-23

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 301, PARKS AND RECREATION AREAS, SECTION 301-14H, PARKING

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

Section 301-14H shall be amended to read as follows:

§ 301-14H Parking

- (1) Parking, stopping or standing shall be prohibited on both sides of Van Ness Drive from Bound Brook Road to its intersection with the roadway that surrounds the park and the outlet from JFK Drive.
- (2) Parking, stopping or standing shall be prohibited on both sides of the roadway that surrounds the park and horseshoe pits.
- (3) Travel parking, stopping or standing shall be prohibited on the roadway that surrounds the basketball courts, tennis court, and hockey rinks
- (4) Parking in Lots two and three shall be limited to three hours Monday through Friday, except legal holidays.
- (5) Parking on the grass shall be prohibited.

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

Mayor Madden opened the Public Hearing on Ordinance No. 2097-23. Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2097-23.

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

Borough Clerk Linda Chismar read Ordinance 2098-23 by title:

ORDINANCE 2098-23

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY KNOWN AS BLOCK 278, LOTS 60 & 61 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED ON DRAKE AVENUE TO THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

WHEREAS, the Borough is the fee simple owner of two parcels of land known as Lots 60 and 61 within Block 278 on the Middlesex Borough tax map, located on Drake Avenue ("property"), which are pair of lots currently known as the "Daisy Park" totaling 0.34 acres; and

WHEREAS, the Borough of Middlesex 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, the Borough has the right to receive just compensation for the sale of properties for improvements associated with the project and has negotiated a price with the USACE for the sale of Block 278, Lots 60 and 61 for the combined price of \$19,700.00; and

WHEREAS, the conveyance of these properties will result in the protection of local residents from recurring flooding; 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 of the USACE pursuant to N.J.S.A. 40A:12-13(b)(1);

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 USACE per N.J.S.A. 40A:12-13(b)(1), as more specifically delineated below:

SECTION I.

Part A **Existing Facts**

1. The Borough is the fee simple owner of Block 278, Lots 60 and 61 on the Middlesex Borough Tax Map, located on Drake Avenue;

2. The lots in question, as shown on the tax map, are in aggregate approximately 0.34 acres and largely undeveloped;
3. Pursuant to N.J.S.A. 40A:12-13(b)(1), the Borough may convey the property at private sale to a governmental agency, notably the USACE;
4. The subject property is not needed for public use;
5. The fair market value of the subject property, as determined in the formula set forth from the Tax Assessor, is \$19,700.00;

Part B **Sale Pursuant to N.J.S.A. 40A:12-13(b)(1)**

6. The subject property, pursuant to N.J.S.A. 40A:12-13(b)(1), is hereby offered for sale to the USACE as outlined above;
7. The minimum price for which the subject property shall be is set forth above;
8. This offer of sale, as reflected in this Ordinance, shall be pursuant to N.J.S.A. 40A:12-13(b)(1):
 - 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;
9. Offers to purchase the property may be made by additional offerors 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 above;
10. Pursuant to N.J.S.A. 40A:12-13(b), the Borough, having offered the property for private sale, 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 8 above;
11. 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.

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. 2098-23. Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2098-23.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Martin Quinn, Councilman
SECONDER:	Jeremiah Carnes, Councilman
AYES:	Conahan, Carnes, Dessino, Quinn, Rex
ABSENT:	Mikolajczyk

ADOPTION OF MINUTES

1. Approval of the July 25, 2023 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden made the following comments:

It is with much sadness to report the recent passing of Lieutenant Governor Sheila Oliver. Mrs. Oliver was the first black woman to hold a statewide elected office. In a statement released by her family, "she will be remembered for her tireless efforts to uplift the community through her decades of Public Service. She leaves behind a legacy of breaking barriers that would never be forgotten."

Mayor Madden read a letter from the Sasso Family:

Dear Mayor Madden:

To you, the Borough Council, Jack Costa and the OEM Team, we wish to express our most sincere gratitude for the honor bestowed upon Tony last night. He certainly did not expect any recognition such as this.

What he did for Middlesex was in no way with the intention of being rewarded. When we moved from Montreal to Middlesex, perfect strangers offered their help, their advice, and their time to make us feel at home. As the years went by, he felt it was his civic duty to volunteer in any way he could... a way to "pay back".

It is with much regret that we leave Middlesex. Life has a way of telling us "its time to realize we need help". However, rest assured that we and our children will always have a special place in our hearts for this little jewel of a town who made us feel welcome and at home for 53 years.

Most sincerely,

Tony and Monique Sasso

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

Thank you Mark Kranz and Paul Woska for bringing awareness to the Green Brook Flood Control Commission meeting that was held in Middlesex on August 5th.

OEM has requested to create and control an Instagram for the Department.

National Night Out was successful, with over 2,000 participants in attendance.

The next Joint Land Use Board meeting will be held on September 13th.

Thank you, Barbara Benson, for coordinating the Bystander Training program that is offered to our residents.

Councilman Carnes

Councilman Carnes made the following comments:

The Parks Improvement Committee is working on the issues at Victor Crowell Park and discussing plans for the Foreign Express property.

We have an amazing Fire Department, with wonderful volunteers.

Thank you to all of our volunteer members for your service.

If you are interested in Volunteering, you can sign up on the Borough Website.

Councilman Dessino

Councilman Dessino made the following comments:

The fence has been installed for the Street Scape Project, however we are still waiting on lighting.

The water fountain has been installed at the Dog Park.

Clean up has been done and will continue at the Foreign Express location.

Councilman Mikolajczyk

Councilman Mikolajczyk was absent.

Councilman Quinn

Councilman Quinn made the following comments:

The County is not attending the Board of Health meetings.

The Green Brook Flood Control Commission meeting was unimpressive.

Councilman Rex

Councilman Rex made the following comments:

SWAC meeting was cancelled.

Victor the Rock Snake is now turning around he is so large.

ADMINISTRATOR'S REPORT

1. 302 Union Avenue - the Borough has been working to clean and enhance the site in anticipation of the upcoming 9/11 ceremony in Victor Crowell Park. Trash and obsolete items have been removed from the property, weeds have been treated and general maintenance is under way. The Parks Improvement Committee was contacted for initial input and staff will continue to keep the committee informed of progress at the site.
2. As reported earlier, there has been an impressive amount of street paving work in Middlesex this year, involving 15 streets being milled and paved, along with sidewalk, corner ramp and other improvements. On tonight's agenda is a resolution (260-2023) to authorize design and construction work in support of the 2023 NJDOT Road Project. This next phase of roadwork will include Douglass Lane, Rutgers Lane and Princeton Drive.
3. Other resolutions this evening involve transferring liquor licenses, the office management of petty cash by various departments, easements needed for infrastructure projects and refunds and other financial actions by the tax collector and the Finance Department.
4. The new emergency dispatch system for the Middlesex Police Department, in partnership with Somerset County, is working well. All emergency 9-1-1 calls and non-emergency calls to the MPD are now answered by a Somerset County 9-1-1 dispatcher. Non-emergency calls are routed to Somerset County if the caller dials (732) 356-1900 and presses "0."
5. The Bound Brook Road/Route 28 Streetscape Beautification project is moving into the final phase with the recent installation of landscaping and new benches in the project area. An ornamental fence has also been constructed along the sidewalk in front of Mountain View Park. We expect delivery and installation of the new street lighting shortly.
6. The Borough continues to work with impacted residents of Heather Lane who have experienced dramatic erosion of their backyards which are adjacent to the Bound Brook. Staff has been in communication with state and federal governmental offices, for example, Congresswoman Bonnie Watson Coleman's staff has suggested that we try to expand the project scope of the Army Corp. work here in Middlesex to include the

flood erosion area and also try to secure state emergency disaster relief funds that were put in place by FEMA after Storm Ida. We will continue to reach out to all state, regional and federal offices and agencies.

7. OEM Instagram: the Middlesex Office of Emergency Management is requesting to use Instagram and other social media in order to better communicate to the public. I feel that this is a sensible and practical request and our Communications consultant can assist OEM at no additional cost.
8. Middlesex Sampling Plant site just off Mountain and Wood avenues. Environmental cleanup work has been completed and final testing is under way. The Federal Government (Department of Energy) would like to formally transfer ownership of the land to the Borough and a ceremony is being planned for here in Middlesex on October 11th. It will like be a noontime event here in Borough Hall. Please save the date!
9. Our Director of Code Enforcement and Zoning Officer reports that the new SDL Spatial Data software system should be up and running by the end of this month.
10. Library "Legacy Lawn" Veteran's tribute update. The project is off to a strong start with 22 applications already submitted and very positive feedback has been received from the public. The application is available on both the Library and American Legion Post websites. Applications will be accepted until September 22. There is no cost to applicants and the families of the veterans and an 8"x10" version of the sign will be given to each applicant.
11. Executive Session this evening - discussion of possible litigation regarding Lake Creighton, Real Estate issues involving 302 Union Avenue, 1190 Mountain Avenue, the former Fire Headquarters and a vacant lot on Wilton Avenue and an update on a Financial Security matter.

PRIVILEGE OF THE FLOOR

Ann Marie Kleiber, 116 Chestnut Street, asked the Council if the rock snake can be on display for an extended period of time, possibly until September 22nd.

Dave Polakiewicz, 240 Hazelwood Avenue, asked what certifications the Borough will receive in regards to the Sampling Plant being officially turned over to the Borough. He also questioned if the Borough ever received any arial gamma surveys that were supposedly done in 2021, which said there was ongoing work being done on that area.

Kevin Redzinski, 441 Fairview Avenue, stated his displeasure at the handling of the crisis on Heather Lane. He stated that the Borough should not plan on getting monetary help because there is no Ida money left. He has spoken to several people from the County and State in regards to this matter. He suggested that American Rescue Funds be utilized to help. Mr. Redzinski expressed his concern that the house would very soon fall into the Brook, which would cause a strain on the already stressed storm drains. He urged the Council that action must be taken, and soon.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 248-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Accepting Nikitas Kasiotis as a member of the OEM.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 249-2023

APPROVING A PLACE-TO-PLACE TRANSFER FOR PEARLDHYAN INC. T/A JILLY'S LIQUORS FROM 657 LINCOLN BOULEVARD TO 655 LINCOLN BOULEVARD

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License No. 1211-44-006-003, issued to Pearldhyan Inc. for premises heretofore located at 657 Lincoln Boulevard, Middlesex, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE BE IT RESOLVED, that the Middlesex Borough Governing Body does hereby approve effective August 22, 2023, the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution Licensed premise, from its former location at 657 Lincoln, Middlesex New Jersey, to its new location at 655 Lincoln Boulevard, Middlesex, New Jersey and does hereby direct the Borough Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 655 Lincoln Boulevard, Middlesex, New Jersey effective August 22, 2023."

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 250-2023

APPROVING THE MAYOR TO EXECUTE THE MCUA TEMPORARY DISCHARGE APPROVAL APPLICATION FROM THE PUMPING SERVICES SITE TO THE MCUA CENTRAL TREATMENT PLANT VIA THE BOROUGH'S WASTEWATER COLLECTION SYSTEM AND MCUA MIDDLESEX METER CHAMBER EFFECTIVE AUGUST 1, 2023 - JULY 31, 2024

WHEREAS, Prestige Environmental Inc. on behalf of Pumping Services Inc. has provided a copy of the Temporary Discharge Approval Application for a Dual Phase Extraction (DPE) remediation system that will remove both shallow groundwater and soil vapor using a single high vacuum process with a discharge of treated groundwater, to the MCUA Central

Treatment Plant, via the Middlesex Borough wastewater collection system and the MCUA Middlesex Meter Chamber, from the Pumping Services Inc. location at 201 Lincoln Boulevard; and

WHEREAS, Prestige Environmental Inc. is required to have the Borough's approval on a yearly basis for discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber; and

WHEREAS, the current Temporary Discharge Approval Application will expire on July 31, 2023 and must be renewed with an effective date of August 1, 2023 - July 31, 2024.

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

1. Middlesex Borough hereby approves the Mayor to execute of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber to be effective from August 1, 2023 - July 31, 2024.
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 251-2023

ESTABLISHING A CUSTODIAN OF PETTY CASH FUND - ADMINISTRATIVE

WHEREAS, the municipality is approved to have an Administrative Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Middlesex is naming Linda Chismar as custodian of this petty cash fund; and

WHEREAS, Linda Chismar is covered under the blanket surety bond issued by Central Jersey JIF in the amount of \$1,000,000.

NOW THEREFORE BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and copies of this resolution will be part of the municipality's internal controls and forwarded to the auditor on record, Suplee Clooney & Company.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 252-2023

ESTABLISHING A CUSTODIAN OF PETTY CASH FUND - POLICE DEPARTMENT

WHEREAS, the municipality is approved to have a Police Dept Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Middlesex is naming Chief Matthew Geist as custodian of this petty cash fund; and

WHEREAS, Chief Matthew Geist is covered under the blanket surety bond issued by Central Jersey JIF in the amount of \$1,000,000.

NOW THEREFORE BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and copies of this resolution will be part of the municipality's internal controls and forwarded to the auditor on record, Suplee Clooney & Company.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 253-2023**ESTABLISHING A CUSTODIAN OF PETTY CASH FUND - RECREATION DEPARTMENT**

WHEREAS, the municipality is approved to have a Recreation Dept Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Middlesex is naming Melissa DeMarino as custodian of this petty cash fund; and

WHEREAS, Melissa DeMarino is covered under the blanket surety bond issued by Central Jersey JIF in the amount of \$1,000,000.

NOW THEREFORE BE IT RESOLVED that the Borough of Middlesex, County of Middlesex hereby authorizes such action and copies of this resolution will be part of the municipality's internal controls and forwarded to the auditor on record, Suplee Clooney & Company.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 254-2023**ACCEPTING THE DONATION OF HEAVY KNOTTED POLYPROPYLENE NETTING
FROM MR. TODD NICOLAY FOR USE BY THE RECREATION DEPARTMENT**

The Governing Body accepts the donation of Heavy Knotted Polypropylene Netting, sizes 25' x 50' and 50' x 50' from Mr. Todd Nicolay, Middlesex, New Jersey with an estimated value of \$2,000 for use by the Recreation Department.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 255-2023

**REFUNDING D & J AUTO BODY THE STABILIZATION GUARANTEE & ESCROW
INSPECTION FEES**

The Governing Body hereby authorizes the refund of the Stabilization Guarantee of \$5,000 plus accrued interest and the balance of the escrow inspection fees to D & J Auto Body, 256 Lackland Drive East. The Joint Land Use Board Engineer and the Construction Official has confirmed that this Project is complete.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 256-2023

**APPROVING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL
CONSUMPTION LICENSE NUMBER 1211-33-003-003 CAHOOTS INC. TO UNCLE
ACTIVO LLC**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License No. 1211-33-003-003, heretofore issued to Cahoots Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Middlesex Borough Governing Body does hereby approve effective August 22, 2023, the Transfer of the aforesaid Plenary Retail Consumption License to Uncle Activo LLC and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Uncle Activo LLC, effective August 22, 2023".

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 257-2023

AUTHORIZING THE TAX COLLECTOR TO CANCEL THE BALANCE OF 3RD & 4TH QTR. 2023, AND 1ST & 2ND QTR. 2023 TAXES FOR BLOCK 86.04 LOT 13

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

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

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

NOW, THEREFORE, the Tax Collector is hereby authorized to cancel the balance of 3rd & 4th Qtr. 2023, and 1st & 2nd Qtr. 2024 in the amounts below;

3rd Qtr. 2023 - \$2,917.07

4th Qtr. 2023 - \$2,917.07

1st Qtr. 2024 - \$2,855.64

2nd Qtr. 2024 - \$2,855.64

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 258-2023

REFUND SEWER OVERPAYMENT IN THE AMOUNT OF \$5.31

WHEREAS, payment was sent in for sewer account # 4184-0 in the amount of \$506.34; and,

WHEREAS, the amount due was \$501.03; and,

WHEREAS, the property owner is entitled to a refund as there is a credit of \$5.31 on the account; and

NOW THEREFORE, a check in the amount of \$5.31 should be made payable to:

Fedak, Rosary
1 Venice Avenue
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 259-2023

REFUND OF SEWER OVERPAYMENT IN THE AMOUNT OF \$85.88

WHEREAS, a duplicate payment was sent in for sewer account # 3710-0 in the amount of \$85.88; and,

WHEREAS, the property owner is entitled to a refund as there is a credit of \$85.88 on the account; and

NOW THEREFORE, a check in the amount of \$85.88 should be made payable to:

Newchester Construction Co.
200 Central Avenue
Mountainside, NJ 07092

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 260-2023

APPROVING THE PROPOSAL FROM COLLIERS ENGINEERING & DESIGN FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE 2023 NJDOT ROAD PROJECT (DOUGLASS LANE, RUTGERS LANE & PRINCETON DRIVE) IN AN AMOUNT NOT TO EXCEED \$106,500.00

WHEREAS, Colliers Engineering & Design has provided a proposal for the Design and Construction Administration Services for the 2023 NJDOT Road Project Program (Douglass Lane, Rutgers Lane & Princeton Drive); and

WHEREAS, this proposal is for the Design and Construction Administration Services for this project in an amount not to exceed \$106,500.00; and

WHEREAS, The Borough has received grants from the NJDOT in 2023 in the amount of \$492,080.00 for Borough's 2023 Road Project Program.

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

1. The Governing Body hereby approves the proposal from Colliers Engineering & Design for the Design and Construction Administration Services for the 2023 NJDOT Road Project (Douglass Lane, Rutgers Lane & Princeton Drive) in the amount not to exceed \$106,500.00 and authorizes the Mayor to execute the Client Contract.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer certifies funds in the amount of \$106,500.00 are available in 2023 Capital Budget Account No. C-04-23-095-000-086.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 261-2023**AUTHORIZING THE BOROUGH OF MIDDLESEX TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Borough of Middlesex is the owner of real property located at 451 Bound Brook Road, Middlesex, NJ 08846 also known as Block 15, Lot 12; and

WHEREAS, an easement is needed to reconstruct a portion of the sidewalk, currently occupied by the Parker Fire and Hose Co. No. 4; and

WHEREAS, the Temporary Construction Easement Agreement is attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the Temporary Construction Easement Agreement between the Borough of Middlesex and New Jersey Department of Transportation.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 262-2023**AUTHORIZING THE ACCEPTANCE OF AN APPLICATION FOR DMHAS GRANT FUNDING THROUGH THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR GRANT TERM TWO (9/1/23 - 9/30/25) IN THE AMOUNT OF \$5,000.00**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize acceptance of an application for DMHAS Grant funding for the Middlesex Municipal Alliance for Grant Term Two: 9/1/23 - 9/30/25 in the amount of :

DMHAS Grant Funding	\$5,000.00
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2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 263-2023

**APPROVAL OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE FOR OCTOBER 2020 - JUNE 2025**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize acceptance of a strategic plan for the Middlesex Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$7,978.00
Cash Match	\$1,994.50
In-Kind	\$5,983.50

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 264-2023

APPROVING THE BLOCK OF HOWARD AVENUE BETWEEN FISHER AVENUE AND WOODLAND AVENUE FOR THE WATCHUNG SCHOOL PTO TO HOLD A TRUNK OR TREAT ON OCTOBER 29, 2023 FROM 5PM - 7PM

WHEREAS, the Watchung School PTO has requested to have a “Trunk or Treat” on Howard Avenue between Fischer Avenue and Woodland Avenue on October 29, 2023 between the hours of 5 p.m. and 7 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 Watchung School PTO to conduct a “Trunk or Treat” on Howard Avenue between Fischer Avenue and Woodland Avenue on October 29, 2023 between the hours of 5 p.m. and 7 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 265-2023

AUTHORIZING THE TAX COLLECTOR TO WAIVE OR ADJUST SEWER BILLS ON VARIOUS PROPERTIES

WHEREAS, As per Ordinance 1889-16, all users which discharge more than 120,000 gallons of domestic sanitary wastewater per annum, shall be charged a service charge for flow, and:

WHEREAS, any dispute as to the billing or charges or to the amount of the bill or calculation thereof, may be appealed, and;

WHEREAS, said appeal shall be in writing and shall include in sufficient detail, the relief sought, the evidence, information or documents to support the relief sought, and;

WHEREAS, as per the appeal process the proper supporting documentation was submitted and reviewed, and;

THEREFORE, the following charges on the below property has been waived or adjusted and/or a refund is due:

Block/Lot: 323 / 26
Original Amount: \$1,771.08
New Amount: \$0.00

Block/Lot: 86/6.01/C0006
Original Amount: \$665.49
New Amount: \$0.00
Refund: \$665.49

Block/Lot: 72/3.04
Original Amount: \$75.14
New Amount: \$0.00

Block/Lot: 22.04 /3.27
Original Amount: \$257.61
New Amount: \$0.00

Block/Lot: 70.04 /11
Original Amount: \$622.56
New Amount: \$0.00

Block/Lot: 113 / 14
Original Amount: \$364.94
New Amount: \$0.00
Refund: \$364.94

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 266-2023

PAY ALL CLAIMS

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

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

AGENDA WORKSHOP ITEM

1. Roles & Responsibilities of Council Representatives Regarding Committees

Councilman Carnes discussed an issue with the Code Book that contradicts current practices with Committees, Commissions and Boards. He expressed his concern that members of the Council are voting, when it is not allowed. Councilman Carnes urged the Council to review and make changes to the Code Book to encourage better Council involvement within those public bodies.

2. Potential Police Promotions

Administrator La Place read a statement from the Chief of Police requesting a consensus from the Council to start the promotion process for a Lieutenant Position. A consensus of Council was obtained to begin this process.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Dave Polakiewicz, 240 Hazelwood Avenue, commented that it has been almost 2 years since the last time a workshop item has been on the Agenda. He asked how an item would be put on the Agenda Workshop. Mr. Polakiewicz asked for clarification on the topic that Councilman Cranes was discussing, wondering how long this issue has been going on for, and what committees this is a problem for?

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 267-2023

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 Potential Litigation - Lake Creighton, Real Estate - Sale of Former Fire Headquarters/Wilton Ave. Vacant Lot, and Public Safety - Financial Security; 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 AS AMENDED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Carnes, Dessino, Quinn, Rex
ABSENT:	Mikolajczyk

Potential Litigation - Lake Creighton

Public Safety - Financial Security

Real Estate - Sale of Former Fire Headquarters/Wilton Ave. Vacant Lot

ADJOURNMENT

The next Regular Meeting will be September 12, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk