



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, September 26, 2023

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Mayor John Madden
Council President Michael Conahan
Councilman Robert Dessino
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Councilman Jeremiah Carnes -- **Absent**

Also Present:

Michael LaPlace Administrator

Others Absent:

Christopher Corsini Borough Attorney

Attorney Matthew Moench attended the meeting in Attorney Corsini's absence.

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2100-23 by title:

ORDINANCE 2100-23

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 407, VEHICLES AND TRAFFIC, ARTICLE IV PROHIBITED PARKING, TO
INCLUDE SECTION 407-11.5 WELLINGTON STREET; PROHIBITED PARKING; SIGNS;
PENALTY**

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

Section 407-11. shall be amended to include the following:

§ 407-11.5. Wellington Street; prohibited parking; signs; penalty.

- A. Parking of motor vehicles shall be prohibited at all times and all days on the north side of Wellington Street point of intersection with the westerly side of Marlborough Avenue for a distance of 50 feet.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/10/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex	
ABSENT:	Carnes	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

MAYOR'S REPORT

Mayor Madden reported on the recent E. Coli testing at Lake Creighton from September 21, 2023.

Sampling and testing was performed by Raritan Valley College Professor, Ms. Emilie Stander.

Another round of testing will be performed in two weeks to give us a baseline. The tested levels were relatively low at all testing locations considering the very high levels from prior test results. Six locations were sampled:

Location 1: (Lake Creighton Inlet) 300 cfu/100ml
Location 2: (Lake Creighton Outlet) 67 cfu/100ml
Location 3: 200 300 cfu/100ml
Location 4: 333 300 cfu/100ml
Location 5: 367 300 cfu/100ml
Location 6: 200 300 cfu/100ml

Federal standards are typically measured on a geometric means over a 30 days period. That is why a baseline is important.

Leaking sanitary lines are best identified at baseline conditions to minimize outside sources of E. Coli. The next set of testing data should give us a better picture of the concentration levels of E. Coli.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- I want to thank our Environmental Attorney for helping tonight.
- For Joint Land Use Board, our first meeting since August 9th is tomorrow night at 7pm.
- Ray Murray, the Green Brook Flood Control Commission Chairman, coordinated and hosted the first Zoom meeting focused entirely on the Heather Lane erosion, last Thursday. The Army Corps attended, as well as NJDEP, Middlesex Borough plus the homeowner of 5 Heather Lane. Our Business Administrator, Michael, will provide more details in his report.
- I want to thank Tom Herits, our Borough Engineer, and Lenny from DPW for partnering so well on finding a short-term solution to the Heather Lane erosion.
- Remember this Saturday is our 3rd annual Food Truck Festival from 11am-7pm in Mountain View Park.
- Registration for our basketball clinic, as well as our wrestling program is open.
- Our Halloween Haunted House is October 10th & 11th from 6pm-8pm in the Recreation Center. Free Admission to all.
- OEM and Medic Zero will be offering free CPR training at this Friday's home Varsity Football game starting at 6pm.
- Lastly, our next Parks Committee meeting is this Tuesday, Oct 3rd, at 7:30pm in the Community Room.

Councilman Carnes

Councilman Dessino

Councilman Dessino made the following comments:

- The stump grinder is out for repair.
- Still waiting on the permit for lighting for the Streetscape.
- Bulk pickup will be done in October.
- Mulch will be placed at the playgrounds soon.
- Costal cleanup have over 50 volunteers come out.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

Highlights of the Police Report: 1866 calls for service, 12 adult arrests, 4 juvenile, 7 DWI, 239 summons, 42 motor vehicle crashes with a 30% clearance rate.

Councilman Quinn

Councilman Quinn made the following comments:

Councilman Quinn reported that the Borough still does not have a permanent Health Inspector. The County has been bringing in one from Piscataway to help out. The next Board of Health meeting will be October 12th at 7pm in the Recreation Center.

Councilman Rex

Councilman Rex made the following comments:

Clare LeVourne attended the September 12th Council meeting, spoke about her concerns for the large number of trees that were removed due to the Flood Plan in town. Her concern were if they are going to be replaced. She was told that the Army Corp has specific parameters on location of trees, where there is a barrier wall. She was also informed that Shade Tree is working to make sure trees are replaced during the project. She also wanted to know if the Commission had plans to ask residents to plant trees on their property, to offset the large number of trees lost. She was informed that the Commission has a tree replacement program. If a Shade Tree is removed from a residential property, the resident is asked if they want a replacement tree. Plus, late fall we are planting 40 trees in various Borough locations.

Another resident also attended to voice his concern about a Shade Tree at his house that is damaging his walk, curbing and street in front of his house. He said he had previously replaced the side walk. He said root damage to road causing water to accumulate that freezes during winter causes a hazard. He was also aware the Shade Tree has inspected the area and the tree is healthy. Concern is that by cutting the roots to fix the issue, it will have an impact on the health of the tree. It was decided to re-visit location and possibly come up with another solution.

There were 12 communications:

Normal pruning, dead wood cleaning needed to be performed. 3 ash trees scheduled for removal.

Work Agenda: 10 items were scheduled to be visited by various Commission members.

Unfinished Business: Shade Tree Chapter 395 revisions tabled as not all members present. Discussed having a body outside of Shade Tree review this writing.

New Business:

1. NJ Shade Tree Federal Conference - Oct 26- 27. Need to tell Clerk if attending so she can enroll everyone.
 2. NJUCF Stewardship Grant 2024 application was missed. There was a committee communication confusion with Bruno Grant writer that was solved.
 3. Tree Awareness - fall colors, favorite tree, favorite location Photo contest. Looking to create a contest. Winner choice of tree from limited list.
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ADMINISTRATOR'S REPORT

1. There will be an Agenda Workshop session this evening covering two topics:
First, to continue the focus by the Borough on the area of Heather Lane and the residential properties that have experienced dramatic erosion. Borough officials and staff have been in communication with state and federal governmental offices including the Army Corp. of Engineers, NJ DEP, state legislative personnel and the Green Brook Flood Control Commission. The Borough is currently working on a cost-effective short-term approach to stabilizing the banks of the brook while also working on a permanent solution to the problem.
Second, a discussion of a proposal to establish a Middlesex Borough Office of Emergency Management (OEM) Cadet Program. This program would provide for the recruitment and training of potential candidates to become full volunteer members of the Middlesex OEM.
2. Council resolutions on the agenda this evening include ones for new equipment and vehicles for the Police and the Public Works departments and a request that the State Division of Local Government Services approves the insertion of a \$178,795.12 grant for the Fire Department into the Municipal budget.
3. Reminder, please mark your calendars - the opening of the new Superfresh Supermarket on Lincoln Boulevard is scheduled for October 13 and there will be a ribbon-cutting at 11:00 a.m.. Superfresh is hiring and they need to fill many positions so spread the word. Please join us for the ribbon-cutting and in welcoming this new business to our community.
4. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, the necessary NJDOT permit for installation of the ornamental street light fixtures has been secured and PSEG had informed us that we can expect delivery and installation of the new street lighting hopefully within the next two weeks.
5. The Federal Government (Department of Energy) is working with the Borough on the formal transfer of ownership of the Middlesex Sampling Plant site, located at the southerly end of Wood Avenue, to the Borough. Planning is under way for a public ceremony here in Middlesex, in the Community Room on October 11. It will begin at 10:30 a.m. to be followed by a light lunch. Mayor Madden will speak on behalf of the Borough at the event. My sincere thanks to Borough Clerk Linda Chismar for her assistance with the logistics for this event.
6. Great news regarding the Legacy Lawn Veterans Appreciation Project. As of today, the Borough has received 101 applications for participation in the project. Please note that applications will be accepted until October 10th for this Fall's display.
7. Executive Session this evening - discussion of possible litigation regarding Lake Creighton and Real Estate regarding the Phase II Environmental Study for 1190 Mountain Avenue.

PRIVILEGE OF THE FLOOR

Clare LeVourne, 809 Grandview, stated that the Borough missed the opportunity to apply for the Trees for Schools grants and asked that they look into it for the future.

Dave Polakiewicz, 240 Hazelwood Avenue, suggested that the Borough do a traffic study on the impact of the new buildings from Bound Brook. He also asked if the Sampling Plant Ceremony was open to the public. Mr. Polakiewicz asked for the status of certain sewer connection fees from the Lofts, whether they have been paid or not.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 281-2023

**ACCEPTING THE RESIGNATION OF JOSEPH FORD, BUS DRIVER, EFFECTIVE
AUGUST 31, 2023**

The governing body hereby accepts the resignation of Joseph Ford, Bus Driver, effective August 31, 2023.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 282-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of Alejandro Ciprian as a member of the Middlesex Fire Department Lincoln Hose Company.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 283-2023

**AUTHORIZING THE PURCHASE OF ONE 2024 FORD UTILITY INTERCEPTOR BASE
VEHICLE UNDER NJ STATE CONTRACT #20-FLEET-01189**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a 2024 Ford Utility Interceptor Base Vehicle under the NJ State Contract #20-FLEET-01189 for the Police Department; and

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

WHEREAS, Winner Ford is under the NJ State Contract #20-FLEET-01189 for police vehicles; and

WHEREAS, the cost for the purchase of a 2024 Ford Utility Interceptor Base Vehicle is \$49,954.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a 2024 Ford Utility Interceptor Base Vehicle under NJ State Contract #20-FLEET-01189 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$49,954.00 are available in the Police Departments 2023 Capital Budget, Account Number C-04-23-095-000-071.

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 284-2023

AWARDING THE CONTRACT FOR THE MIDDLESEX POLICE DEPARTMENT RTU REPLACEMENTS PROJECT TO HANNA'S MECHANICAL CONTRACTORS, INC. AS THE LOWEST RESPONSIBLE BIDDER IN THE AMOUNT OF \$263,500.00

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for Middlesex Borough Police Department RTU Replacements were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, on September 6, 2023, seven (7) bids were received and read out loud for the Middlesex Borough Police Department RTU Replacements; and

WHEREAS, listed below are bids received for said project:

- | | |
|---|--------------|
| 1) Hanna's Mechanical Contractors, Inc.
Milltown, NJ | \$263,500.00 |
| 2) Centralpack Engineering Corp
Hibernia, NJ | \$278,147.00 |
| 3) Envirocon, LLC
Hackettstown, NJ | \$319,752.00 |
| 4) TM Brennan Services, Inc.
Blackwood, NJ | \$329,000.00 |
| 5) Bill Leary A/C & HTG | \$334,000.00 |

Metuchen, NJ

- | | |
|---|--------------|
| 6) Chappelle Mechanical
Piscataway, NJ | \$345,000.00 |
| 7) K&D Contractors
Kenilworth, NJ | \$432,480.00 |

WHEREAS, Hanna's Mechanical Contractors, Inc. submitted the lowest, responsive bid in the amount of \$263,500.00; and

WHEREAS, the Project Engineer, Timothy Conlon, recommends awarding the bid to Hannah's Mechanical Contractors, Inc., the lowest responsible bidder, in the total bid amount of \$263,500.00 as contingent upon the Borough Attorney's review, availability of funds for this project; and

WHEREAS, the Borough Attorney has reviewed the bid proposal package of the lowest bidder, declares it to be in conformance with the Borough Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to All Coast Service Inc., as the lowest responsible bidder; and

WHEREAS, funds are available to make such purchase or acquisition and have been certified as such by the local finance officer.

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

1. At the recommendation of the Project Engineer and Borough Attorney, the Mayor and governing body hereby awards the contract for the Middlesex Police Department RTU Replacements Project to Hanna's Mechanical Contractors, Inc. as the lowest responsible bidder in the amount of \$263,500.00.
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, Project Engineer, Borough Attorney, and Hanna's Mechanical Contractors, Inc.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the amount of \$263,500.00 in the Building & Grounds Capital Budget, Account Numbers: C-04-21-039-000-083, \$39,900; C-04-22-062-000-083, \$50,000; C-04-23-095-000-083, \$173,600.00.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 285-2023

AUTHORIZING THE PURCHASE OF ONE ULTRA STATIONARY COMPACTOR FOR THE RECYCLE YARD IN THE AMOUNT OF \$24,125.00 THROUGH SOURCEWELL CO-OP CONTRACT #040621-MEC

WHEREAS, the Department of Public Works wishes to purchase one (1) Ultra Stationary Compactor for the Recycle Yard in the amount of \$24,125.00 through Sourcewell Co-op Contract #040621-MEC;

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

WHEREAS, Eagle Equipment Corp. is under the Sourcewell Co-op Contract #040621-MEC for stationary compactor's; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of one (1) Ultra Stationary Compactor for the Recycle Yard from Eagle Equipment Corp. under Sourcewell Co-op Contract #040621-MEC be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$24,125.00 are available in Account No. G-02-16-780-000-105 (Recycling Tonnage Grant 2020)

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 286-2023

AUTHORIZING THE PURCHASE OF 3 TASER 7 BASIC BUNDLES AND ACCESSORIES FOR THE MIDDLESEX BOROUGH POLICE DEPARTMENT UNDER THE NJ STATE CONTRACT #17-FLEET-00738 IN THE AMOUNT OF \$12,353.20

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase 3 Taser 7 Basic Bundles and accessories for the Middlesex Borough Police Department under the NJ State Contract #17-FLEET-00738 in the amount of \$12,353.20; and

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

WHEREAS, Axon Enterprise, Inc., is under the NJ State Contract #17-FLEET-00738, for the purchase of tasers and accessories; and

WHEREAS, the cost for said purchase of 3 Taser 7 Basic Bundles and accessories is \$12,353.20; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of 3 Taser 7 Basic Bundles and accessories for the Middlesex Borough Police Department, in the amount of \$12,353.20 under NJ State Contract #17-FLEET-00738 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$12,353.20 are available in the 2023 Police Department Capital Budget. Account number C-04-23-095-000-071.

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 287-2023

SPECIAL ITEMS OF REVENUE AND APPROPRIATION - NATIONAL OPIOID SETTLEMENT FUND

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$3,091.66, which item is now available as a revenue from the National Opioid Settlement Fund in the amount of \$3,091.66;

BE IT FURTHER RESOLVED that the like sum of \$3,091.66 is hereby appropriated under the caption of "National Opioid Settlement Fund"; and

BE IT FURTHER RESOLVED that the above is a result of a State Settlement Agreement of \$3,091.66 from the National Opioid Settlement Fund.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 288-2023

AUTHORIZING THE PURCHASE OF TWO (2) RADAR SPEED SIGNS FOR THE POLICE DEPARTMENT UNDER SOMERSET COUNTY CO-OP, CC-0099-22 IN THE AMOUNT OF \$18,316.62

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase two (2) Radar Speed Signs for the Police Department under the Somerset County Co-Op, CC-0099-22; and

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

WHEREAS, National Highway Products is under the Somerset County Co-Op, CC-0099-22 for Radar Speed Signs; and

WHEREAS, the cost for the purchase of two (2) Radar Speed Signs is not to exceed \$18,316.62; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of two (2) Radar Speed Signs in the amount of \$18,316.62, under Somerset County Co-Op be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$18,316.62 are available in Account No. C-04-23-095-000-071 (2023 Capital - Police Dept).

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 289-2023

AUTHORIZING THE PURCHASE OF RADAR SPEED TRAILER FOR THE POLICE DEPARTMENT UNDER SOMERSET CO-OP IN THE AMOUNT OF \$9,423.86

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a Radar Speed Trailer for the Police Department under the Somerset County Co-Op, CC-0099-22; and

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

WHEREAS, National Highway Products is under the Somerset County Co-Op, CC-0099-22 for Radar Speed Trailers; and

WHEREAS, the cost for the purchase of a Radar Speed Trailer is not to exceed \$9,423.86; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a Radar Speed Trailer in the amount of \$9,423.86, under Somerset County Co-Op be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$9,423.86 are available in Account No. C-04-23-095-000-071 (2023 Capital - Police Dept).

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 290-2023

CANCELLING IMPROVEMENT AUTHORIZATIONS

WHEREAS, there are certain improvement authorizations that were funded in total or in part by proceeds of bonds issued, grants awarded or through the utilization of Capital Surplus, and

WHEREAS, there are unexpended balances of aforementioned improvement authorizations and no further expenditures will be disbursed from said authorizations.

THEREFORE BE IT RESOLVED, that the attached listing of balances of improvement authorizations be cancelled and credited to either the Capital Surplus or to reduce the Grants Receivable or to reduce the Deferred Charges Unfunded, as appropriate.

Ordinance #	Improvement Description	Ordinance Date	Original Amount Authorized	Total Cancellations	Capital Surplus	Deferred Charges Unfunded	Grants Receivable	Grants Reserve
1947-18	Various Improvements	8/14/2018	\$1,981,165.00	\$189,676.48	\$189,676.24	\$0.24	\$48,371.21	\$48,371.21
1961-19	Fisher Ave & Ashland Rd	6/11/2019	\$620,000.00	\$9,967.34		\$9,967.34		
				\$199,643.82	\$189,676.24	\$9,967.58	\$48,371.21	\$48,371.21

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 291-2023

SPECIAL ITEMS OF REVENUE AND APPROPRIATION - ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$178,795.12, which item is now available as a revenue from the Assistance to Firefighters Grant (AFG) in the amount of \$178,795.12;

BE IT FURTHER RESOLVED that the like sum of \$178,795.12 is hereby appropriated under the caption of "Assistance to Firefighters Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a Federal FEMA Grant of \$178,795.12 from the Assistance to Firefighters Grant (AFG).

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 292-2023

**AUTHORIZING THE WAIVER OF THE EXECUTION OF A DEVELOPER'S AGREEMENT
PURSUANT TO SECTION 56-47 OF THE MUNICIPAL CODE OF THE BOROUGH OF
MIDDLESEX FOR THE PROPERTY KNOWN AS 59 WARRENVILLE ROAD, BLOCK 5,
LOT 8 (JLUB APP. NO. 2020-005)**

WHEREAS, Section 56-47 of the Municipal Code of the Borough of Middlesex requires the execution of a developer's agreement between an applicant and a developer upon the granting of final site plan approval by the Joint Land Use Board (or predecessor Planning Board or Zoning Board of Adjustment) of the Borough of Middlesex; and

WHEREAS, on October 28, 2020, the Joint Land Use Board granted preliminary and final site plan approval with "c" variances to the applicant, RJT Construction, LLC, for the property located at 59 Warrenville Road in the R-75 Zone, with the resolution of said Board attached hereto; and

WHEREAS, Condition 15 of the resolution of the Board directs the Applicant to "enter into a Developer's Agreement with the Borough regarding public improvements and bonding required for this project or obtain waiver from the Borough Council" which Applicant has requested through correspondence to the Borough dated September 8, 2023; and

WHEREAS, Applicant has noted that the improvements are partially complete and have been bonded with a cash deposit for 120% of the engineer's estimate. As a result, the

oversight can be handled in accordance with the detailed resolution of the Joint Land Use Board, and in consideration of same waiver of the Borough's requirement for a developer's agreement is appropriate; and

WHEREAS, having reviewed the resolution of the Joint Land Use Board and having considered the recommendation of same, the Borough Council desires to grant the Applicant's request and waive the Developer's Agreement requirement of Section 56-47 of the Municipal Code of the Borough of Middlesex; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby waive the Developer's Agreement requirement of Section 56-47 of the Municipal Code of the Borough of Middlesex for the project approved in Joint Land Use Board App. No. 2020-005 for the property located at 59 Warrenton Road (Block 5, Lot 8).

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 293-2023

APPROVING A BLOCK PARTY ON OCTOBER 7, 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 October 7, 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 October 7, 2023 between the hours of 12 p.m. and 8 p.m.
2. This resolution shall take effect immediately.

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 294-2023

PAY ALL CLAIMS

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

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

AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion

Mayor Madden spoke about the major erosion issues at Heather Lane, mentioning the lack of help from all major government agencies. After several attempts to gain help from the EPA, it was suggested that they go to Congress for help since it is not in their scope.

Mayor Madden read from his Mayors Report:

After two years of identifying and addressing this dangerous yet growing pernicious environmental problem, bringing the issue to the attention of regional, state and federal governments and agencies, we have yet to secure a practical utilitarian remedy for these residents and neighbors on two other nearby cul de sacs experiencing a similar erosion problem.

The remedy must consist of state and or federal aid probably in the form of grant funding. The Borough cannot get involved in private property even with a matching grant. In my opinion, the best solution would come out of the Governor's office and the Federal Government, particularly FEMA (Federal Emergency Management Agency) in the form of 100 % grant funding. FEMA offers a "National Preparedness System" in which communities identify and assess such (environmental) risks, threats and hazards." Thereafter building and sustaining capabilities based on this risk assessment are formulated. Heather Lane in my opinion fits squarely within this purview.

FEMA is a federal agency within the Dept. of Homeland Security (DHS). Their 10 field offices manage disaster response and recovery. In fact, the director of FEMA reports directly to the DHS secretary.

Unfortunately such a callous renunciation of accountability and obligation concerning this issue and of this magnitude lends a compelling wrinkle in the quiver of financial resources available to the state and federal government while accepting zero liability.

Councilman Mikolajczyk expressed the need for a short-term solution.

Councilman Conahan shared that the Engineer and DPW Supervisor are looking into solutions. He also stated that there has been no feedback from the EPA & DEP on what happens when the home at 6 Heather falls into the brook.

Councilman Quinn expressed his frustration on the lack of responsibility and accountability of everyone.

Councilman Conahan discussed the potential effect of the rainfall on the home, claiming after a few more storms the home would no longer stand upright.

Councilman Mikolajczyk discussed the Borough funding a short-term solution.

Mayor Madden expressed his concern for the Borough funding the project, and how this would set a precedent with other homes in crisis.

Councilman Dessino discussed the liability of stepping in.

The Council also discussed the need to find funding through grants, and the permitting process in order to fix the issue.

2. OEM - Cadet Program

OEM Coordinator Jack Costa gave an overview of the program and stated that in the last few years they have struggled to find volunteers, so he believes that creating a program that brings the younger generation into the fold would help keep a continual interest in volunteering. He told the Council that the Borough does not have a current program in place for this, however it would be similarly structured to the old Team Cert Program. He shared his plan with the council to only allow the younger kids to help for specific hours, and his succession plan for the overall OEM program.

Mr. Costa received a consensus from Council to start the program.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Clare LeVourne, 809 Grandview Street, asked the Council what a resident can do to help with Heather Lane.

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 295-2023

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 Potential Litigation - Lake Creighton and Real Estate - 1190 Mountain Avenue - Phase II Environmental Study; 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, Dessino, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

Potential Litigation - Lake Creighton

Real Estate - 1190 Mountain Avenue - Phase II Environmental Study

ADJOURNMENT

The next Regular Meeting will be October 10, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk