



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, October 10, 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 Douglas Rex

Councilman Martin Quinn -- **Absent**

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2101-23 by title:

ORDINANCE 2101-23

AN ORDINANCE CREATING CHAPTER 247, TO BE ENTITLED "DEVELOPMENT FEES," TO COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS

BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey as follows:

Section I

Chapter 247, Section 247-1 is hereby created as follows:

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. Any and all references to COAH shall mean the Department of Community Affairs (the Department).
- d) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Department's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of the Department's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by the Department pursuant to N.J.A.C. 5:96-5.1.
- b) Middlesex Borough shall not spend development fees until the Department has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
- i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished the Council and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. As such, any and all references to COAH shall mean the Department.
 - iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 - iv. **"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. **"Equalized assessed value"** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
 - vi. **"Green building strategies"** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.
4. **Residential Development fees**
- a) Imposed fees
- i. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6 percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density

permitted by right during the two-year period preceding the filing of the variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
 - iv. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

5. Non-residential Development fees

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a

half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by *[insert municipality]* as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-

Residential Development Certification/Exemption” to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Middlesex Borough fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Middlesex Borough. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such

determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Middlesex Borough. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

- a) There is a separate, interest-bearing housing trust fund maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with *[insert municipal name]*'s affordable housing program.
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Department.

8 Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by the Department. Funds deposited in the housing trust fund may be used for any activity approved by the Department to address Middlesex Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new

affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse Middlesex Borough for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Middlesex Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Department's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) Middlesex Borough shall complete and return to the Department all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Middlesex Borough's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by the Department.

10. Ongoing collection of fees

- a) The ability for Middlesex Borough to impose, collect and expend development fees shall expire with its judgment of compliance unless Middlesex Borough has filed an adopted Housing Element and Fair Share Plan with the Department, has petitioned for substantive certification, and has received the Department's approval of its development fee ordinance. If Middlesex Borough fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Middlesex Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Middlesex Borough retroactively impose a development fee on such a development. Middlesex Borough shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Section II

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

Section III

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 IV

This ordinance shall take effect upon adoption and publication in the manner required by

New Jersey general law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/24/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Rex	
ABSENT:	Carnes, Quinn	

Borough Clerk Linda Chismar read Ordinance 2102-23 by title:

ORDINANCE 2102-23

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 265, LOT 25 IN THE BOROUGH OF MIDDLESEX TO BE SOLD AT PUBLIC SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(A)

WHEREAS, the Borough Council has determined that certain municipally owned land designated as Block 265, Lot 25 on the tax map of the Borough of Middlesex (hereinafter the "subject property" or the "property"), consisting of one parcel of land better known as 210 Grove Avenue in the Borough, is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13(a); and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-13(a), et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that the subject property shall be sold by open public sale to the highest bidder. The property is being sold by the Borough "as is."

BE IT FURTHER ORDAINED, the following terms and conditions shall apply:

1. The Borough Council reserves the right to reject all bids.
2. The minimum bid the Borough will consider is \$450,000.00, plus the cost of recording the deed, and agrees that deeds shall be recorded by the purchaser.
3. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 265, Lot 25", and shall be submitted within twenty days after advertisement of sale required by N.J.S.A. 40A:12-13(a).
4. Potential Bidders are advised:
 - a. That the description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Middlesex as to the conditions of the property; the premises are being sold in their present conditions "as is."

- b. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey, and the Borough of Middlesex.
- c. That no employee, agent, or officer of the Borough of Middlesex has any authority to waive, modify, or amend any of the conditions of the sale.
- d. That offers for the property must be made for a sum equal or greater to the minimum bid price of \$450,000.00
- e. The property will be conveyed subject to all covenants, restrictions, reservations, and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

5. Additional Terms the Successful Bidder must comply with:

- a. Bidder shall deposit cash, check, or money order in the amount of not less than 10% of the bid price within 10 days of notice of acceptance of their bid. In the event a bidder fails to timely deposit 10% of the bid price, the Borough may re-auction the subject property.
- b. The successful bidder shall pay at the time of closing: (1) The balance of the purchase price (2) The cost of recording deeds and agrees that deeds shall be recorded by the purchaser.
- c. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
- d. To abide by appropriate zoning, subdivision, health, and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- e. That the failure to close title as agreed shall forfeit to the Borough any and all money deposited with the Borough.
- f. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property.
- g. That the title shall close on or before December 31, 2023. The Borough reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
- h. The Borough reserves the right to withdraw the offer of sale and reject any and all bids.
- i. All sales are subject to final approval by the Borough Council.
- j. Parties interested in submitting bids and who require additional information, should contact Linda Chismar, Clerk, 1200 Mountain Avenue, Middlesex, N.J. 08846.

6. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.
7. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

PURPOSE OF CAPTIONS: Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/24/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Rex	
ABSENT:	Carnes, Quinn	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2100-23. Seeing that there were no public comments, Mayor Madden closed the Public Hearing on Ordinance No. 2100-23.

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

ADOPTION OF MINUTES

1. Approval of the September 12, 2023 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden talked about the upcoming ceremony awarding the Sampling Plant to the Borough and the other agencies that will be involved with the service.

COUNCIL MEMBER REPORTS

Councilman Carnes joined the Public Meeting at this time.

Council President Conahan

Council President Conahan made the following comments:

- Thank you everyone involved in the Food Truck Festival for their help.
- Welcome to our new Playgroup Coordinator, Christine DiMaggio, and drivers Dina Melchiorre and Dennis Lynch.
- At this meeting we will be authorizing the Engineer to prepare plans for short-term solutions at Heather Lane.

- Thank you Lenny Vidal and our Borough Engineer for your efforts in finding solutions for Heather Lane.
 - Medic Zero will be at the next football game on Friday October 20th.
 - Tomorrow's JLUB meeting cancelled.
 - Parks Committee will meet in November.
-

Councilman Carnes

Councilman Carnes made the following comments:

- Cultural and Heritage Committee is in the process of getting the Lincoln Park Statue in the Historical Preservation.
 - Open Mic Nights will be held soon.
 - The Cultural and Heritage Committee is currently discussing plans for the Community Gardens, and who will be maintaining them.
 - Parks Committee are making plans for Victor Crowell Park.
 - The Recreation Department are offering a variety of fun and successful programs.
-

Councilman Dessino

Councilman Dessino made the following comments:

- The DPW had a small truck fire, but with proper planning and training the situation was handled professionally.
 - Bulk pickup will end this month.
-

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

Expressed a need for a new garbage truck, stating that the Borough's current ones are over 18 years old.

Councilman Quinn

Councilman Quinn was absent.

Councilman Rex

Councilman Rex made the following comments:

The last SWAC meeting was cancelled.

ADMINISTRATOR'S REPORT

1. The formal ceremony for the transfer of ownership of the Middlesex Sampling Plant site, from the Federal Government (Department of Energy) to the Borough of Middlesex, is tomorrow, Wednesday, October 11th.

The event will be in the Community Room beginning at 10:30 a.m. and will be followed by a light lunch. Mayor Madden will welcome guests and speak on behalf of the Borough. My sincere thanks to Borough Clerk Linda Chismar, Superintendent of Public Works Lenny Vidal and Library Director Chrissy George for all their help.

2. The opening of the new Superfresh Supermarket on Lincoln Boulevard has been rescheduled for next Friday, October 20. The ribbon cutting will be at 11:00 a.m.
3. Council resolutions on the agenda this evening include a liquor license transfer and authorization of the purchase of a new garbage truck, four new traffic safety signage devices and a new passenger vehicle for Senior and Disabled Services. There is a resolution to authorize the Borough Engineer to prepare plans for temporary measures to address the severe erosion of the bank of the brook behind 6 Heather Lane. Other resolutions authorize Personnel actions including hiring, salary increases and promotions in various departments.
4. There will be an Agenda Workshop session this evening addressing the continuing focus by the Borough on the area of Heather Lane and the residential properties that have experienced dramatic erosion. 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.
5. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, PSE&G had informed us that we can expect delivery and installation of the new street lighting shortly. We will continue to check in with PSE&G regularly until the streetlights are installed.
6. Staff is researching companies to digitize and store municipal files and we hope to begin scanning the land-use board files in the Construction office early next year.
7. Our Bond Counsel has informed us that we need to pick a date between 12/6 and 12/15 to have a special Council meeting to approve the resolutions for our bond sale. The meeting can be during the day and done remotely.
8. Executive Session this evening - discussion of Real Estate including Daisy Park and the Phase II Environmental Study for 1190 Mountain Avenue.

PRIVILEGE OF THE FLOOR

Dave Polakiewicz, 240 Hazelwood Avenue, questioned the type of ceremony that will be held tomorrow for the Sampling Plant, the future plans for the property and the safety concerns of the Borough and its residents in regard to the contaminated property. He also questioned whether the Borough would be responsible for the well restrictions for the area.

Kevin Redzinski, 441 Fairview Avenue, expressed his concern over the proper clean up, and notification of clearance of the Sampling Plant, as well as the future plans to relocate DPW to the property. Mr. Redzinski talked about the last Green Brook Flood Control Commission meeting and how the Borough should be handling the project and the issues at Heather lane and who should take responsibility.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 296-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the August 2023 Monthly Police Report.
2. Acceptance of the August 2023 Calls for Service Report.
3. Acceptance of the August 2023 Burglar Alarm Report.
4. Acceptance of the August & September Tax Totals.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 297-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE FOR BLOCK 12 LOT 3

WHEREAS, Code violations, specifically 318-4, were determined to exist requiring the clean-up, trimming and cutting of lawn; and;

WHEREAS, the responsible parties did not perform the work necessary to alleviate the violations. To provide for public health and safety, the Department of Code Enforcement engaged the services of outside vendors to perform the clean-up, trimming and cutting of grass; and,

WHEREAS, the Department of Code Enforcement has provided invoices from said outside vendors detailing the costs of clean-up and removal in the amount of \$437.00 (Exhibit A), and;

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

1. The Tax Collector is hereby directed to place an Added Tax Lien. The lien will be billed against the November 2023 quarter taxes and the Collector will send out a bill upon notification of passage of this resolution and allow suitable amount of time consistent with tax billing for the payment of said amount without interest. At

expiration of that time, interest will accrue at the level established in accordance with N.J.S.A. 54:4-67.

2. The following are the addresses and amounts authorized by this resolution:

Block: 12
Lot: 3
Address: 204 Stephenson
Amount: \$437.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 298-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE FOR BLOCK 249 LOT 3

WHEREAS, Code violations, specifically 318-4, were determined to exist requiring the clean-up, trimming and cutting of lawn; and;

WHEREAS, the responsible parties did not perform the work necessary to alleviate the violations. To provide for public health and safety, the Department of Code Enforcement engaged the services of outside vendors to perform the clean-up, trimming and cutting the grass; and,

WHEREAS, the Department of Code Enforcement has provided invoices from said outside vendors detailing the costs of clean-up and removal in the amount of \$500.00 (Exhibit A), and;

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

1. The Tax Collector is hereby directed to place an Added Tax Lien. The lien will be billed against the November 2023 quarter taxes and the Collector will send out a bill upon notification of passage of this resolution and allow suitable amount of time consistent with tax billing for the payment of said amount without interest. At expiration of that time, interest will accrue at the level established in accordance with N.J.S.A. 54:4-67.
2. The following are the addresses and amounts authorized by this resolution:
Block: 249
Lot: 3
Address: 906 Lincoln Blvd.
Amount: \$500.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 299-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE FOR BLOCK 264 LOT 6

WHEREAS, Code violations, specifically 318-4, were determined to exist requiring the clean-up, cutting and removal of all wood, branches, brush and vegetative waste and disposal of 16 cubic yards of wood, branches and vegetative waste, and;

WHEREAS, the responsible parties did not perform the work necessary to alleviate the violations. To provide for public health and safety, the Department of Code Enforcement engaged the services of outside vendors to perform the clean-up, maintenance and removal of vegetation; and,

WHEREAS, the Department of Code Enforcement has provided invoices from said outside vendors detailing the costs of clean-up and removal in the amount of \$1855.00 (Exhibit A), and;

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

1. The Tax Collector is hereby directed to place an Added Tax Lien. The lien will be billed against the November 2023 quarter taxes and the Collector will send out a bill upon notification of passage of this resolution and allow suitable amount of time consistent with tax billing for the payment of said amount without interest. At expiration of that time, interest will accrue at the level established in accordance with N.J.S.A. 54:4-67.
2. The following are the addresses and amounts authorized by this resolution:
Block: 264
Lot: 6
Address: 216 Runyon Avenue
Amount: \$1855.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 300-2023

HIRING DAEMON MACARONE AS A PART TIME EMPLOYEE FOR THE DPW IN THE SANITATION DEPARTMENT EFFECTIVE OCTOBER 10, 2023

The governing body hereby hires Daemon Macarone of Middlesex, NJ as a part time employee for the DPW in the Sanitation Department effective October 10, 2023 at \$15.00 per hour, 28 hours per week, pending a satisfactory physical and background check.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 301-2023

REFUND FOR CREDIT ON 2023 TAX ACCOUNT FOR BLOCK 29 LOT 28

WHEREAS, the Borough of Middlesex conducted a town wide revaluation in 2022 after 36 years, and

WHEREAS, the new assessments are in effect on the 2023 FINAL/2024 PRELIMINARY billing, and

WHEREAS, the assessments of certain properties were lowered on land/ improvement and land only, with some properties re-assessments much lower than previously assessed and,

WHEREAS, as a result of the revaluation, Block 29 Lot 28, No. Lincoln Avenue (land only), the assessment was adjusted from 9,000 in 2022, to 2,400 for 2023; and,

WHEREAS, the yearly taxes went from \$890.19 in 2022 to \$52.87 in 2023 and,

WHEREAS, currently there is a credit of \$365.79, on the tax account for Block 29 Lot 28, and,

WHEREAS, the credit is much higher than what the taxes are estimated to be for the next several years, and,

WHEREAS, the property owner has requested a refund of this credit; and,

NOW THEREFORE, a refund will be issued for the credit on Block 29 Lot 28 and a check shall be payable to:

Sangiovanni, Carolann

300 John Street

Middlesex, NJ 08846

Amount: \$365.79

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 302-2023

**AUTHORIZING THE PURCHASE OF ONE (1) GARBAGE TRUCK FOR THE
DEPARTMENT OF PUBLIC WORKS FROM SANITATION EQUIPMENT CORP. UNDER
SOURCEWELL CO-OP 091219-LEG IN THE AMOUNT NOT TO EXCEED \$315,843.80 -**

Item Removed from Consent

WHEREAS, the Department of Public Works wishes to purchase one (1) Garbage Truck in the amount of \$315,843.80 through Sourcewell Co-Op 091219-LEG;

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

WHEREAS, Sanitation Equipment Corp. is under the Sourcewell Co-Op 091219-LEG for the purchases of Garbage Trucks; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of one (1) Garbage Truck for the Department of Public Works from Sanitation Equipment Corp. under Sourcewell Co-Op 091219-LEG be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$315,843.80 are available in Account Numbers: C-04-20-002-000-076 \$50,000 (2020 Capital - Garbage Dept); C-04-21-039-000-076 \$150,000 (2021 Capital - Garbage Dept); C-04-22-062-000-076 \$115,843.80 (2022 Capital - Garbage Dept)

Caroline Benson, CFO

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 303-2023

AUTHORIZING THE PURCHASE OF TWO (2) FLASHING LED STOP SIGNS AND TWO (2) FLASHING LED NO TRUCKS SYMBOLS FROM TRAFFIC SAFETY SERVICE, IN THE AMOUNT OF \$6,770.00

WHEREAS, the Middlesex Police Department of the Borough of Middlesex wishes to purchase two (2) Flashing LED Stop Signs and two (2) Flashing LED No Trucks Symbols in the amount of \$6,770.00; and

WHEREAS, two quotes were received for the purchase of two (2) Flashing LED Stop Signs and two (2) Flashing LED No Trucks Symbols from the following vendors:

- 1) Traffic Safety Service, South Plainfield, NJ - \$6,770.00
- 2) National Highway Products, Millville, NJ - \$8,275.92

WHEREAS, the Middlesex Police Department and the Purchasing Agent recommend using Traffic Safety Service for the purchase of two (2) Flashing LED Stop Signs and two (2) Flashing LED No Trucks Symbols in the amount of \$6,770.00; and

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

1. Based upon the recommendation of the Middlesex Police Department and the Purchasing Agent, the governing body hereby approves the purchase of two (2) Flashing LED Stop Signs and two (2) Flashing LED No Trucks Symbols from Traffic Safety Service, in the amount of \$6,770.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in the amount of \$6,770.00 are available from the 2023 Police Department Capital Budget, Account No. 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 304-2023

**APPROVING THE PURCHASE OF A LOG SPLITTER ATTACHMENT FOR SKID STEER
FOR THE DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$4,974.00**

WHEREAS, the Middlesex Department of Public Works wishes to purchase a Log Splitter Attachment for Skid Steer in the amount of \$4,974.00; and

WHEREAS, two (2) quotes were received for the purchase of a Log Splitter Attachment for Skid Steer from the following vendors:

- 1) Skid Pro Attachments - \$4,974.00
- 2) Skid Steer Solutions - \$6,102.77

WHEREAS, the Department of Public Works and the Purchasing Agent recommend using Skid Pro Attachments for the purchase of a Log Splitter Attachment for Skid Steer in the amount of \$4,974.00; and

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

1. Based upon the recommendation of the Department of Public Works and the Purchasing Agent, the governing body hereby approves the purchase of a Log Splitter Attachment for Skid Steer in the amount of \$4,974.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in an amount not to exceed \$4,974.00 are available from Account No. G-02-16-780-000-104 (Recycling Tonnage Grant 2019).

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 305-2023

LINDA CHICARELLI WILL RECEIVE A \$2,000.00 SALARY INCREASE BASED UPON HER COMPLETION OF THE TAX COLLECTION II CLASS

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

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

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

1. Linda Chicarelli will receive a \$2,000.00 increase based on her completion of the Tax Collection II class
2. This resolution shall take effect immediately

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 306-2023

APPROVAL TO ADVANCE POLICE OFFICER JOSHUA PHAM TO POLICE OFFICER CLASS "I" AT AN ANNUAL SALARY OF \$60,096 EFFECTIVE OCTOBER 1, 2023

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

WHEREAS, On October 4, 2023 Chief Geist recommended Police Officer Joshua Pham 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 Joshua Pham be and is hereby advanced in grade to Police Officer Class "I" on October 1, 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 307-2023

APPROVAL TO ADVANCE POLICE OFFICER JOSEPH CENTOLA TO PROBATIONARY POLICE OFFICER AT AN ANNUAL SALARY OF \$52,584 EFFECTIVE SEPTEMBER 29, 2023

WHEREAS, on July 25, 2023 Joseph Centola was sworn in as a Probationary Police Officer attending the Academy; and

WHEREAS, On September 28, 2023 Probationary Police Officer Centola graduated the Police Academy.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Probationary Police Officer Joseph Centola be and is hereby advanced in grade from Academy to Probationary Police Officer effective September 29, 2023 at an annual salary of \$52,584.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 308-2023

APPROVING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LICENSE NUMBER 1211-32-011 O.K. LIQUORS, INC. TO DPKA INC.

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption with Broad Package Privilege License No. 1211-32-011, heretofore issued to O.K. Liquors, 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 October 10, 2023, the Transfer of the aforesaid Plenary Retail Consumption with Broad Package Privilege License to DPKA Inc. 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 DPKA Inc., effective October 10, 2023".

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 309-2023

AUTHORIZING THE PURCHASE OF A 2023 KIA SPORTAGE LX FROM BRIDGEWATER KIA FOR THE DEPARTMENT OF SENIOR AND DISABLED SERVICES FOR MEDICAL TRIPS IN THE AMOUNT OF \$30,322.50

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a 2023 Kia Sportage LX for Senior Services medical trips; and

WHEREAS, two quotes were received for the purchase of A 2023 Kia Sportage LX for Senior Services medical trips from the following vendors:

- 1) Bridgewater Kia, NJ - \$30,322.50
- 2) Mechanicsburg Kia, PA - \$33,890.00

WHEREAS, the cost for the purchase of a 2023 Kia Sportage LX for Senior Services medical trips is not to exceed \$30,322.50; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a 2023 Kia Sportage LX for Senior Services medical trips be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$30,322.50 are available in the Senior Services 2023 Capital Budget, Account Number C-04-23-095-000-080.

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 310-2023**HIRING OF CHRISTINE DIMAGGIO, OF MIDDLESEX BOROUGH, NJ AS THE PLAYGROUP COORDINATOR FOR THE RECREATION DEPARTMENT AT AN HOURLY RATE OF \$16 PER HOUR, EFFECTIVE OCTOBER 11, 2023**

WHEREAS, the Governing Body hereby approves the hiring of Christine DiMaggio, of Middlesex Borough, NJ as the Playgroup Coordinator for the Recreation Department; and

WHEREAS, the Borough has received a satisfactory Physical, and Background Check; and

WHEREAS, Ms. DiMaggio will be paid an hourly rate of \$16, effective October 11, 2023, pending a satisfactory physical; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Middlesex that:

1. The Governing Body hereby approves the hiring of Christine DiMaggio, of Middlesex Borough, NJ effective October 11, 2023, at an hourly rate of \$16.
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 311-2023**HIRING OF DENNIS LYNCH, OF MIDDLESEX BOROUGH, NJ AS THE DRIVER FOR THE DEPARTMENT OF SENIOR AND DISABLED SERVICES AT AN HOURLY RATE OF \$20 PER HOUR, EFFECTIVE OCTOBER 11, 2023**

WHEREAS, the Governing Body hereby approves the hiring of Dennis Lynch, of Middlesex Borough, NJ as the driver for the Department of Senior and Disabled Services; and

WHEREAS, the Borough has received a satisfactory Physical, Background Check and Drivers Abstract; and

WHEREAS, Mr. Lynch will be paid an hourly rate of \$20.00, effective October 11, 2023, pending a satisfactory physical; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Middlesex that:

1. The Governing Body hereby approves the hiring of Dennis Lynch, of Middlesex Borough, NJ effective October 11, 2023, at an hourly rate of \$20.
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 312-2023

HIRING OF DINA MELCHIORRE, OF MIDDLESEX BOROUGH, NJ AS THE DRIVER FOR THE DEPARTMENT OF SENIOR AND DISABLED SERVICES AT AN HOURLY RATE OF \$20 PER HOUR, EFFECTIVE OCTOBER 11, 2023

WHEREAS, the Governing Body hereby approves the hiring of Dina Melchiorre, of Middlesex Borough, NJ as the driver for the Department of Senior and Disabled Services; and

WHEREAS, the Borough has received a satisfactory Physical, Background Check and Drivers Abstract; and

WHEREAS, Ms. Melchiorre will be paid an hourly rate of \$20, effective October 11, 2023, pending a satisfactory physical; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Middlesex that:

1. The Governing Body hereby approves the hiring of Dina Melchiorre, of Middlesex Borough, NJ effective October 11, 2023, at an hourly rate of \$20.
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 313-2023

AUTHORIZING THE BOROUGH ENGINEER TO PREPARE PLANS FOR TEMPORARY MEASURES TO ADDRESS THE STREAM BANK EROSION AT 6 HEATHER LANE

WHEREAS, Middlesex Borough (Borough) desires to prepare plans for temporary measures to address the stream bank erosion at 6 Heather Lane; and,

WHEREAS, due to the said stream bank erosion, the dwelling at 6 Heather Lane has been vacated and is in eminent danger of being undermined and severely damaged; and,

WHEREAS, the Borough has received \$25,000 from the US Army Corps of Engineers(USACE) for Daisy Park; and,

WHEREAS, the Borough will use the said \$25,000 from the USACE for the temporary measures plans.

NOW THEREFORE, Be It Resolved, that the Municipal Council of Middlesex Borough hereby authorizes the Borough Engineer to prepare the plans for temporary measures to address the stream bank erosion at 6 Heather Lane, at a cost not to exceed \$25,000.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 314-2023

AUTHORIZING THE BOROUGH OF MIDDLESEX TO EXECUTE AN EASEMENT AGREEMENT WITH PIPELINE REALTY-MIDDLESEX, LLC

WHEREAS, the Borough of Middlesex and Pipeline Realty-Middlesex, LLC have negotiated an Easement Agreement for certain real property located in the Borough of Middlesex known as Lot 2, Block 351; and

WHEREAS, the Easement Agreement is attached hereto and made a part hereof; and

WHEREAS, legal counsel for both parties have reviewed and approved the attached Easement Agreement; and

WHEREAS, the parties have agreed to the Easement Agreement and desire to implement same.

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 Easement Agreement between the Borough of Middlesex and Pipeline Realty-Middlesex, LLC.

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 315-2023

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, Rex
ABSENT:	Quinn

AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion

The Council discussed the need for a continual news presence for the erosion issues, as well as the pressing time concerns for the homes on Heater Lane. It was noted that each storm is causing more erosion to occur, which is making it critical to find a short-term solution as soon as possible to avoid the homes going into the water.

DPW Superintendent Lenny Vidal gave the Council a synopsis of the proposed plans to help stabilize the walls that are being eroded behind Heather Lane. He spoke about the scope of the project and who would be involved in each step of the process. Mr. Vidal also discussed the future long-term options and how they could utilize what the Borough plans to do now as a foundation to build off of.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Kevin Redzinski, 441 Fairview Avenue, showed concerns about a tree that is near the erosion site on Heather Lane and whether it is stable or will fall into the water, causing more erosion and flooding issues.

Ken Beck, 5 Heather Lane, discussed a report that was given by the Green Brook Flood Control Commission, and the concerns he has with the information that is provided.

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 316-2023

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 Real Estate - Daisy Park 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 reasons listed above 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, Rex
ABSENT:	Quinn

Real Estate - Daisy Park

Real Estate - 1190 Mountain Avenue - Phase II Environmental Study

ADJOURNMENT

The next Regular Meeting will be October 24, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk