



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 24, 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
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignations of Emily DeScenza, Sherley Penrose and Judy Levesen from the Cultural & Heritage Committee

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2103-23 by title:

ORDINANCE 2103-23**AN ORDINANCE OF THE CODE OF THE BOROUGH OF MIDDLESEX AMENDING
CHAPTER 355 STORMWATER CONTROL TO INCLUDE SECTION 355-12 ENTITLED
"PRIVATELY-OWNED SALT STORAGE"**

WHEREAS, the Borough of Middlesex is required to adopt a privately-owned salt storage ordinance in response to NJDEP's recent action to update and enforce new stormwater regulations across the State of New Jersey.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey that Chapter 355 of the Borough Code, entitled "Stormwater Control" is hereby supplemented and amended as follows:

Section I. There is hereby added a new section 355-12 entitled "Privately-Owned Salt Storage" which shall read as follows:

A. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Middlesex to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

B. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.

- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

C. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.
 - B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
 - C. Any such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.

- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

D. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

E. Enforcement:

This ordinance shall be enforced by the Code Enforcement Officer and the Zoning Enforcement Officer and their deputies during the course of ordinary enforcement duties.

F. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines in accordance with Section 355-11 of this Chapter.

SECTION II. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION III. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/21/2023 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

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2101-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2101-23.

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 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2102-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2102-23.

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

ADOPTION OF MINUTES

1. Approval of the September 26, 2023 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden spoke about the grand opening of Super Fresh and complimented the facilities and staff. He also mentioned the Borough was handed over the Sampling Plant from the Federal Government.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- I want to extend my deepest condolences to both Mayor, John Madden and his wife Barbara. Barbara's mother passed away earlier today.
- I want to thank our entire Recreation team, led by Melissa DeMarino, for the phenomenal job they did on hosting the Halloween Haunted House at the Rec Center on October 10th and 11th. Over 250 families attended on October 10th and over 500 families attended on October 11th. I was there on the 11th and the line was around the entire building.
- Also for Recreation, registration is currently open for basketball, cross country races, yoga and wrestling.
- Our annual Winter Wonderland Festival will be Saturday, December 2nd from 2-7pm in Mountain View Park. This is one of our best events and includes the tree lighting, music, dance performances and new for this year, a bonfire!
- Our next JLUB meeting is tomorrow night at 7pm.
- I'm excited that the process to finally sell the Fire Headquarters property, will begin soon.
- Thank you to Paul Woska, one of our Green Brook Flood Control Commission Commissioners, along with DPW Superintendent Lenny Vidal, for putting together the informational piece detailing the flood wall work on So. Lincoln.
- Also, more thanks to Lenny for the new trees planted on Van Ness Drive, near the new 'No Parking' signs

that look great.

- I encourage everyone to check out our new grocery store on Lincoln Blvd, Super Fresh. It's beautiful inside and outside. The Grand Opening on Friday was very well attended and was the best grand opening I have seen.
 - I am very happy to report that we have applied for a "Resilient Communities Grant" which is administered by the NJ Dept. of Community Affairs. We have requested the maximum amount of five million. The project site submitted is located along Heather Lane. This entire grant program aims to address the issues of erosion. The public hearing, which is a grant requirement, will be at our next meeting on 11/21.
 - Our OEM has recruited 5 new members this year so far!
 - Congrats to both our Boys and Girls Varsity soccer teams: the girls won the GML Invitational and the boys the GMC Gold Division title. Sectionals are next for the boys.
 - Come support our Varsity Football game this Friday at 7pm. This is our first home playoff game in a while.
 - As of today our Fire Department has responded to 367 calls. At this pace, our Fire Dept. will finish the year with over 450 calls. Many residents think our firefighters are paid and they are not! Our Fire Dept. is 100% all volunteers and they do a tremendous job each and every day. Membership is down and we need new members.
 - I want to take a moment and personally thank our Business Administrator, Michael La Place. After your first 7 months, you've been a wonderful asset to all of us and you were a phenomenal hire. Thank you for everything you do.
 - Enjoy Halloween!
-

Councilman Carnes

Councilman Carnes was absent.

Councilman Dessino

Councilman Dessino made the following comments:

- Bulk pickup is extended through November 1st due to high demand.
 - Leaf bags are available on a first come first serve basis.
 - DPW purchased a log splitter attachment, which in the long run will save the Borough money.
 - DPW is starting to prep the snow equipment.
 - Parks Department is on leaf cleanup.
-

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

The Fire Department received 47 calls in the last month, so please be aware of what you are plugging in.

Highlights of the Police Report: 1790 Calls for Service, 14 Adult Arrests, 5 DWI, 172 Summons, 17 Radar, 39 Automobile Accidents, 17 Reportable Crimes, 9 of which are closed.

Through a joint agency effort, 20 arrests were made for the theft of catalytic converters throughout the area.

Councilman Quinn

Councilman Quinn made the following comments:

The Board of Health received the report for satisfactory conditions for the school, and they will continue to monitor the situation.

Councilman Rex

Clare LeVourne, our Tree Hugger, told us she found a grant that had a remaining balance of \$4,000 dollars. Monies could only be used to purchase and plant trees. There was a 25 percent fee to use this money. She remained concerned that the Army Corp has not replaced any trees in areas where they built the flood wall. Clare was told the Army Corp is aware and that they are cautious in planting trees in those open areas so that the planting does not have an impact on the flood wall. Clare sent all the info to Jason Bond for reviewing.

Communications: Received 5 emails.

- DPW Superintendent indicated dead maple at 204 Fisher be removed.
- 601 Bound Brook dead sycamore tree on RT 28, the business owner has indicated he will pay for its removal.
- 570 Ashland road, 3 trees were removed by contractor, one was a Borough tree but dead.

New Business: Budget update.

Have \$9346.40 left. Itemized tree removals: 6 dead ash totaling \$6700 were approved. Balance is \$2646.40

There was an uptick in the number of Oak Trees removed this year, many large and costly. We hope that this will not continue as it could have an effect on the budget.

NJ Shade Tree Federation Annual Conference will be Oct. 26-27. Two members are attending.

NJUFC 2023 Stewardship Grant - Communication break down with the Grant writer. Missed application date. Shade Tree has been trying to get an inventory of Borough shade trees for many years. Discussed putting this into the Capital Budget to finally accomplish this program.

JLUB Plans 2023-007 for Mimi and Sweets Warehouse were reviewed.

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 was held on Wednesday, October 11th. The event, which took place in the Community Room, was a great success. Mayor Madden welcomed guests and spoke 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. Last Friday, October 20, we celebrated the grand opening of the new Superfresh Supermarket on Lincoln

Boulevard. The ribbon cutting was a great success with the Mayor and many Council members, municipal staff and members of Boards and Commissions in attendance.

3. Council resolutions on the agenda this evening include approvals for a new recording system for the Police Department (\$15,000), a new Police vehicle (\$27,051.33), an in-car video equipment for the Police (\$7,900), a Right of Way and Exploration approval for the Army Corps as part of the Green Brook Flood Control Project and approvals for additional tax liens on properties in violation of the property maintenance code.
4. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, staff has been reaching out to PSE&G to find out the actual installation date for the new lighting. We hope that will be in the next week to 10 days. We will then order brackets for the banners to be placed on the ornamental street light poles.
5. In 2026, the United States will commemorate its 250th anniversary. Here in New Jersey, plans are already under way to join in this celebration under the banner "Revolution NJ." All communities in the state have been asked to adopt a resolution in support of "Revolution NJ" and to select a representative to act as a local contact person. We can have a resolution drafted for the next meeting and I would be pleased to serve as Middlesex Borough representative.
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. This evening, I would like to have a consensus from the Council and authorization to move forward with design work for improvements to Mountain View Park. This is part of an ongoing effort at Mountain View which has been under way for several years. The Borough has received grant funding from
8. Middlesex County in the amount of \$740,000 which we must begin to use before the end of this year. The focus of the design work will include new public bathrooms to replace the current obsolete facility as well as renewed playground areas, new walkways and other updated recreational features. Once staff receives authorization to begin design work, we will coordinate this phase of the planning process with the Parks Improvement Committee.
9. As I reported at the last Council Meeting, 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. I would like to recommend Friday, December 8th, at 2PM. FYI it is the first night of Hanukkah. A consensus of Council was taken to have this meeting on December 8 at 2PM.
10. 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 bank of the brook while also working on a permanent solution to the problem.
11. 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, asked the following questions:

- Why is the revenue from the pilot project, the View, not accounted for in the budget yet?
- What is the status of the gas station on Union Avenue that has not opened up yet?
- Have any exit interviews been done for the resignations on the Cultural and Heritage Committee?
- How much in Bond will be sold by the Borough and what is the process to sell a Bond?

Clare LeVourne, 809 Grandview Street, discussed the concern she has over the loss of 35 acres of trees due to the Flood Wall Project. She talked to the Council about a non-profit in Ohio, Green Columbus that annually gives away thousands of trees to residents, giving highlights of the process and benefits of community involvement. Ms. LeVourne expressed an interest in starting a similar program within the Borough, utilizing space on Rock Lane, and the costs associated with startup and maintenance of the project.

Bruce Sanders, 10 Venice Avenue, asked if the Borough received any certification letters from the State saying that the Borough will not be held liable at the Sampling Plant. He also thanked the Council for hiring a fully forced Police Department.

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 317-2023

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE SENIOR CITIZEN/DISABLED PERSON TAX DEDUCTIONS FOR BLOCK 329 LOT 17

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

WHEREAS, said Senior Citizens / Disabled Persons did file their application for the Senior Citizen/Disabled person deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2023 and

WHEREAS, the Tax Assessor has approved the application, and

THEREFORE, the Tax Collector is hereby authorized to allow the Senior Citizen/Disabled Person deduction for the 2023 year totaling \$250.00

Name:	Morge, Mary
Block/Lot:	329 / 17
Amount:	\$250.00
Year:	2023

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 318-2023**APPROVING THE REFUND OF \$1875.00 FOR STREET OPENING PERMIT NO. 2023-003 TO ANTHONY SANSONE, 538 HOWARD AVENUE**

WHEREAS, 538 Howard Ave. was issued a street opening permit on 02/21/2023; and

WHEREAS, Anthony Sansone deposited \$2,500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 538 Howard Avenue was inspected by Dan Niro, Plumbing Inspector and Lenny Vidal, DPW Supervisor, and found to have been maintained in a satisfactory manner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey, that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Anthony Sansone, 538 Howard Ave., Middlesex NJ 08846, for refund of Street Opening Permit No. 2023-003.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 319-2023**AUTHORIZING THE PURCHASE OF THE RECORDATION SYSTEM FOR THE DETENTION WING AND THE DETECTIVE BUREAU INTERVIEW ROOM FOR THE POLICE DEPARTMENT FROM MAESTRO VISION USA IN THE AMOUNT OF \$15,000.00**

WHEREAS, the Middlesex Police Department of the Borough of Middlesex wishes to purchase a Recordation System for the Detention Wing and the Detective Bureau Interview Room; and

WHEREAS, three (3) quotes were received for the purchase of the Recordation System for the Detention Wing and the Detective Bureau Interview Room, for the Police Department from the following vendors:

- 1) Maestro Vision USA - \$15,000.00; annual subscription - \$2,638.00
- 2) Safe Fleet - \$8,620.00; annual subscription - \$22,000.00
- 3) Mack Camera & Video Service - \$24,987.00;

WHEREAS, Maestro Vision USA's quote is the most cost-effective for the Borough, representing the best value for the annual subscription membership in addition to the initial purchase; and

WHEREAS, the Middlesex Police Department and the Purchasing Agent recommend using Maestro Vision USA for the purchase of the Recordation System for the Detention Wing and

the Detective Bureau Interview Room, for the Police Department in the amount of \$15,000.00; 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 the Recordation System for the Detention Wing and the Detective Bureau Interview Room, for the Police Department, in the amount of \$15,000.00.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount \$9,900.00 are available from the 2022 Police Department Capital budget, Account No. C-04-22-062-000-071.

Caroline Benson, Treasurer

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 320-2023

**AUTHORIZING THE PURCHASE OF THE NECESSARY POLICE VEHICLE EQUIPMENT
IN THE AMOUNT OF \$27,051.33 UNDER NJ STATE CONTRACT #17-FLEET-00739**

WHEREAS, the Middlesex Police Department wishes to purchase the necessary police vehicle equipment in the amount of \$27,051.33 under NJ State Contract #17-FLEET-00739; and

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

WHEREAS, Island Tech Services is an authorized police equipment vendor under NJ State Contract #17-FLEET-00739; and

WHEREAS, the total cost for the purchase of the necessary police vehicle equipment is not exceed \$27,051.33; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase police vehicle equipment utilizing the New Jersey State Contracts and vendors herein; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$27,051.33 are available in 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 321-2023

AUTHORIZING THE PURCHASE OF IN-CAR VIDEO SYSTEM UNDER NJ STATE CONTRACT #17-FLEET-00731 FOR THE MIDDLESEX POLICE DEPARTMENT IN THE AMOUNT OF \$7,900.00

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase an in-car video system for the Middlesex Police Department under the NJ State Contract #17-FLEET-00731 in the amount of \$7,900.00; and

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

WHEREAS, Safe Fleet is under the NJ State Contract #17-FLEET-00731 for in-car video systems; and

WHEREAS, the cost for the purchase of an in-car video system is not to exceed \$7,900.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of an in-car video system in the amount of \$7,900.00 under the NJ State Contract #17-FLEET-00731 for the Middlesex Police Department be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$7,900.00 are available in the 2023 Police Department Capital, 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 322-2023

AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEES IN THE AMOUNTS OF \$38,478.00, \$8,460.00, AND \$5,000.00, ACCEPTANCE OF THE SITE IMPROVEMENTS FOR CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., 5 FACTORY LANE, BLOCK 350, LOT 1

WHEREAS, Clean Harbors Environmental Services, Inc. posted three (3) Performance Guarantees with the Borough of Middlesex in the amounts of \$38,478.00, \$8,460.00, and \$5,000.00 for the on-site improvements inspection escrow and safety and stabilization guarantee in connection with Reagent Chemical & Research, Inc., 5 Factory Lane, Block 350, Lot 1; and

WHEREAS, upon review of the construction status and associated documentation, the Borough Engineer has found that all on-site improvements have been completed in accordance with the approved plans and that same have been inspected, and has recommended the release of the performance guarantees and acceptance of the improvements; and

WHEREAS, the Borough Attorney has found the associated documents to be satisfactory as to form, substance and execution.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that 1) the on-site improvements covered by the aforementioned performance guarantees are hereby accepted; 2) the performance guarantee posted by Clean Harbors Environmental Services, Inc., #K40193728 in the amount of \$38,478.00 from Federal Insurance Company be and is hereby released; 3) the performance guarantee posted by Clean Harbors Environmental Services, Inc., #K15361487 in the amount of \$8,460.00 from Federal Insurance Company be and is hereby released; 4) the performance guarantee posted by Clean Harbors Environmental Services, Inc., #K40193728 in the amount of \$5,000.00 from Federal Insurance Company be and is hereby released; and 5) that these acceptances are subject to all professional escrow fees being paid.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to transmit certified copies of this Resolution to the following individuals and entities: Clean Harbors Environmental Services, Inc., Township Engineer, and Chief Financial officer.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 323-2023

APPROVING THE MAYOR & BOROUGH CLERK TO EXECUTE THE RIGHT OF ENTRY AND EXPLORATION FOR WORK ON THE GREEN BROOK FLOOD CONTROL PROJECT

The Governing Body hereby approves the Mayor and Borough Clerk to execute the Department of the Army Right of Entry for Survey and Exploration in order to perform work associated with the Green Brook Flood Control Project. This Right of Entry authorizes the Army Corps of Engineers and its contractors, to perform the required survey work and

access the required properties. The land affected by this permit or right-of-entry is located in the State of New Jersey, County of Middlesex, and is located as Block 53, Lot 1, Block 53, Lot 2 and Block 53, Lot 3.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 324-2023

**ACCEPTING THE RESIGNATION OF JACOB WRIGHT AS A LABORER IN THE DPW
EFFECTIVE OCTOBER 13, 2023, AND HIRING HIM AS THE FULL-TIME
JANITOR/BUILDINGS AND GROUNDS MAINTENANCE WORKER EFFECTIVE
OCTOBER 16, 2023**

The Governing Body hereby accepts the resignation of Jacob Wright as a Laborer in the Department of Public Works, effective October 13, 2023, and hires Jacob Wright as a full-time Janitor/Buildings and Grounds Maintenance Worker effective October 16, 2023.

Jacob Wright, will transfer from the Department of Public Works Employee Contract to the White-Collar Employees Contract at his current hourly rate of \$20.56/hour.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 325-2023

**AUTHORIZING THE TRANSFER OF FUNDS FOR THE 2023 OPERATING BUDGET
WITH AN EFFECTIVE DATE OF NOVEMBER 1, 2023**

The CFO/Treasurer hereby authorizes the transfer of funds for the 2023 Operating Budget with an effective date of November 1, 2023:

Department	From	To
Code Enforcer S/W	\$10,000.00	
Flood Plain Manager	\$10,000.00	
Police S/W	\$40,000.00	
Police Overtime	\$20,000.00	
Solid Waste S/W	\$10,000.00	
Solid Waste Differential	\$5,000.00	
Buildings & Grounds S/W	\$10,000.00	
Recreation - Seasonal Help	\$5,000.00	
Senior Bus Transportation S/W	\$15,000.00	
Sewer S/W	\$7,000.00	
Finance O/E - Payroll Service		\$5,000.00
Police O/E - Emergency Dispatch		\$55,000.00
Prosecutor O/E - Professional Svcs		\$6,000.00

Multi Family Solid Waste	\$40,000.00
Telephones - Cellphones	\$6,000.00
Gasoline	\$20,000.00
	\$132,000.00
	\$132,000.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 326-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE FOR BLOCK 140, LOT 5

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 \$250.00 (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: 140
Lot: 5
Address: 215 Lincoln Blvd
Amount: \$250.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 327-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE FOR BLOCK 148, LOT 1

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 \$275.00 (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: 148
Lot: 1
Address: 535 Chestnut St.
Amount: \$275.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 328-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE FOR BLOCK 282, LOT 34.03

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 \$625.00 (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: 282
Lot: 34.03
Address: 704 Cook Avenue
Amount: \$625.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 329-2023

**APPROVING ACCLAIM INVENTORY LLC TO PERFORM THE ANNUAL ASSET
INVENTORY AUDIT FOR BOROUGH PROPERTY**

WHEREAS, the Borough of Middlesex is required to perform annual asset inventory audits of all Borough property; and

WHEREAS, the Borough of Middlesex intends to utilize Acclaim Inventory LLC, 8 Hamilton Avenue, Edison, NJ, to perform said services in an amount not to exceed \$3,400.00; and

WHEREAS, said inventory will be performed mid to late December; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council hereby approve Acclaim Inventory LLC to perform said asset inventory audit for all Borough property, in the amount not to exceed \$3,400.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies funds are appropriated in the 2023 adopted budget.

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 330-2023

**AWARDING THE REVISED CONTRACT FOR THE PRIVATE COLLECTION OF
MUNICIPAL DEBT SERVICES TO ABILITY RECOVERY SERVICES, LLC AS MODIFIED
BY THE ADMINISTRATIVE OFFICE OF THE COURTS**

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

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

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

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

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

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

- 1) At the recommendation of the Borough Administrator, the Mayor and governing body hereby awarded the contract for the Private Collection of Municipal Debt Services to Ability Recovery Services, LLC as the lowest responsive, responsible bidder at the June 27, 2023 council meeting.
- 2) The Administrative Office of the Courts reviewed and requested modifications to said contract.
- 3) The Mayor and Borough Clerk are hereby authorized to execute the modified 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.
- 4) The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Borough Administrator Borough Attorney, and Ability Recovery Services, LLC.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 331-2023**AWARDING THE FLOOR MAT SERVICES FOR BOROUGH HALL, THE
RECREATION/SENIOR BUILDING AND POLICE DEPARTMENT TO NATIONAL DUST
CONTROL IN THE AMOUNT OF \$6,673.04**

WHEREAS, request for quotes were solicited on October 6, 2023 for Floor Mat Services for Borough Hall, Recreation/Senior Building and Police Department;

WHEREAS, one (1) quote was received, quote listed below:

National Dust Control
200 Blackford Avenue, Middlesex
Yearly Amount: \$6,673.04

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 Purchasing Agent, the governing body hereby awards the contract for Floor Mat Services for a (1) year contract beginning January 1, 2024 and ending December 31, 2024 to National Dust Control.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in an amount not to exceed \$6,673.04 will be allocated from the 2024 Operating Budget.

Caroline Benson, CFO

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 332-2023**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

The Council discussed what the next step is to temporarily fix the issues at Heather Lane, the timeline for the foreseeable future and who would be supervising the process.

The need for a Hold Harmless Agreement was discussed and the Council decided to get one to the residents as soon as possible.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 333-2023

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 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

Real Estate - Daisy Park

Real Estate - 1190 Mountain Avenue

ADJOURNMENT

The next Regular Meeting will be November 21, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk