



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, November 21, 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

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

Councilman Jeremiah Carnes -- **Absent**
Councilman Douglas Rex -- **Absent**

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

2. Mayor Madden added Resolution 350-2023 & 351-2023 to the Agenda

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

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Dan Iskra & Michael Hompesch from the Cultural & Heritage Committee

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

PROCLAMATIONS

PUBLIC HEARING - RESILIENT COMMUNITIES GRANT PROGRAM

Mayor Madden explained that this Resilient Communities Grant Program is an allocation of funds which aims to address the pressing issue of erosion that threatens the well-being of our community and the homes of our residents on Heather Lane, adjacent to the Green Brook/Bound Brook River within the Borough of Middlesex.

Mayor Madden opened the public hearing on the Resilient Communities Grant Program. Seeing that there was no public participation, Mayor Madden closed the public hearing on the Resilient Communities Grant Program.

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2104-23 by title:

ORDINANCE 2104-23

**PROVIDING FOR DESIGN AND PERMITTING IN CONNECTION WITH THE
MOUNTAINVIEW PARK PROJECT, APPROPRIATING \$185,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$175,750 BONDS AND NOTES TO FINANCE A
PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF
MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY**

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$185,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$9,250 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$175,750, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the design and permitting in connection with the Mountainview Park Project, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$175,750, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$185,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$185,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$9,250 down payment for said purposes.

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

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

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law

is increased by the authorization of the bonds and notes provided in this bond ordinance by \$175,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$185,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

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

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

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 12/19/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn	
ABSENT:	Carnes, Rex	

Borough Clerk Linda Chismar read Ordinance 2105-23 by title:

ORDINANCE 2105-23

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

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

WHEREAS, the Borough of Middlesex has engaged with the United States Department of the Army Corps of Engineers ("USACE") for planned construction activities associated with the Green Brook Flood Risk Management Project; and

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

WHEREAS, the conveyance of these properties will result in the protection of local residents from recurring flooding; and

WHEREAS, the attached parcels of property are not currently needed for the Borough's public use and are better utilized for the public use of the USACE pursuant to N.J.S.A. 40A:12-13(b)(1);

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, in the County of Middlesex and State of New Jersey, that the property be and is hereby offered for sale, subject to all restrictions and limitations of record or as may be found to exist on the property, to the USACE per N.J.S.A. 40A:12-13(b)(1), as more specifically delineated below:

SECTION I.

Part A **Existing Facts**

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

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

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

6. The subject property, pursuant to N.J.S.A. 40A:12-13(b)(1), is hereby offered for sale to the USACE as outlined above;
7. The minimum price for which the subject property shall be is set forth above;
8. This offer of sale, as reflected in this Ordinance, shall be pursuant to N.J.S.A. 40A:12-13(b)(1):
 - a) This Ordinance and Public Notice shall be posted in the Borough Hall, located at 1200 Mountain Avenue, Middlesex, N.J. 08846
 - b) The notice to sell shall be placed as an advertisement in a newspaper circulating in the Borough in which the subject is property is situated, namely, the Courier News
 - c) Both the posting and the advertisement shall occur within five days following the date of the enactment of this Ordinance;
9. Offers to purchase the property may be made by additional offerors within a period of twenty (20) days following the advertisement set forth hereinabove. Said offer shall be made for not less than the minimum price set forth above;
10. Pursuant to N.J.S.A. 40A:12-13(b), the Borough, having offered the property for private sale, will file, with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of the advertisement referenced in paragraph 8 above;
11. The highest offer made above the minimum price as set forth above, consistent with the terms of this Ordinance, shall be accepted and a closing of title will be required within sixty (60) days after the offer is accepted. Should a closing not occur during that timeframe, for any reason related directly or indirectly to the offer or, the Borough shall have the right to terminate the sale.

SECTION II.

This Ordinance shall take effect upon final passage and publication according to law.

SECTION III.

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

SECTION IV.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 12/19/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn	
ABSENT:	Carnes, Rex	

Borough Clerk Linda Chismar read Ordinance 2106-23 by title:

ORDINANCE 2106-23**AN ORDINANCE AMENDING CHAPTER 6 (BYLAWS OF COUNCIL) OF THE
MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX**

WHEREAS, the Mayor and Council of the Borough of Middlesex desires to amend the by-laws of the Borough Council to provide for council liaison committees; and

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 6 of the Municipal Code of the Borough of Middlesex shall be amended as follows:

SECTION I.

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as Section 6-6, shall be entitled as "Ex Officio Member of Committees," and shall contain the following provisions:

The Mayor shall be an ex officio member of all committees, both standing and special, and shall be informed in advance of all meetings of such committees.

SECTION II.

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as Section 6-7, shall be entitled as "Liaison," and shall contain the following provisions:

The Mayor shall serve as the liaison between the governing body and all boards, committees, agencies or organizations except as herein assigned to a specific Council committee for liaison purposes.

SECTION III.

Article V (Council Committees) is hereby repealed and replaced as follows (all text is novel):

Section 6-23 Relationship of Mayor.

The Mayor shall appoint all committees and shall be a member, ex officio, of each such committee. In addition, the Mayor shall see that all matters referred to the committee are acted upon and reported promptly to the Council.

Section 6-24 Enumeration and appointment.

The following Council committees, consisting of three Council members (other than the Mayor, ex officio) shall be appointed at the discretion of the Mayor:

- A. Finance, Taxation, Real Estate, Construction Official and Insurance.
- B. Recreation, Recreation Fields, Water and Light.
- C. Fire, Office of Emergency Management, Board of Health and Welfare.
- D. Public Works, Parks, Sanitation, Garbage, Recycling and Buildings & Grounds.
- E. Police, Legal, Code Enforcement, Municipal Court & Zoning.
- F. Administration, Legislation, License, Facilities Planning & Office of Aging & Disabled Services.

Section 6-25 Councilmanic liaisons.

The Mayor shall appoint the membership of each council committee as well as all boards or organizations as he deems necessary.

Section 6-26 Purpose, function and restrictions.

Standing committees are appointed to expedite and facilitate the work of the Council, but only within statutory limits as the entire Council is held responsible for any or all of its acts.

A. A standing committee shall:

- (1) Plan, study, direct, make commitments within budgetary limitations, and carry on the routine activities for which it has primary responsibility.
- (2) Perform such acts as may be assigned to it by the Council.
- (3) Report and make recommendations to the Council regarding its responsibilities and activities.

B. Except as provided above, a standing committee shall not:

- (1) Exceed its budgetary appropriations without prior approval of the Council.

- (2) Make promises or commitments to anyone which directly or by inference bind the Council.
- (3) Act in such a manner or make decisions which set a precedent or violate established Council policy.

Section 6-27 Special committees for other purposes.

Special committees may be appointed by the Mayor for purposes other than those included in the duties of the standing committees.

Section 6-28 Reports to Mayor and Council.

The Chairperson of each standing or special committee shall be prepared to report to the Mayor and Council at each regular meeting on the principal activities and achievements of his or her committee. The Chairperson shall also prepare and submit in writing to the Mayor and Council not later than December 1 of each year a suitable annual report.

Section 6-29 Finance, Taxation, Real Estate, Insurance and Public Utility.

The Finance Committee shall have primary responsibility for the following described activities and matters:

- A. The examination, review and approval of all vouchers prior to their submission to the Council for authorizing to pay the same.
- B. The administration, practices, procedures and records of the following:
 - (1) The Collector/Treasurer and his/her office.
 - (2) The Tax Assessor and his/her office.
 - (3) Public utilities (gas, electric and water).
- C. The initiation of foreclosure action, and subsequent administration and disposition of property acquired by the Borough under foreclosure of tax title liens.
- D. The coordination of departmental budgets; the preparation of budgetary figures relating to the activities above mentioned; the final preparation.
- E. The maintenance, review and revision of the Borough cost system.
- F. The review, revision and all other matters pertaining to any insurance coverage of the Borough.
- G. Serve as liaison between the Council and the registered municipal accountants, and any other body or organization on fiscal matters.

Section 6-30 Recreation, Recreation Fields, Swim Pool Commission and Community Celebrations.

This committee shall have primary responsibility for the following described activities and matters:

A. The administration, practices, procedures and records of the following:

- (1) Recreation field construction, maintenance and improvements.
- (2) Recreation activities conducted by the Recreation Commission.
- (3) Activities conducted by the Swim Pool Commission.
- (4) Community celebrations financed wholly or in part by public funds.

B. It shall serve as liaison between the Council and the following:

- (1) The Recreation Commission.
- (2) Community celebrations financed wholly or in part by public funds.

Section 6-31 Board of Health, Emergency Management and Rescue Squad.

This committee shall have primary responsibility for the following described activities and matters:

A. The administration, practices, procedures and records of the following:

- (1) Fire activities.
- (2) Activities conducted by Animal Control Services.

B. It shall serve as the liaison between the Council and the Office of Emergency Management, the Board of Health and the Rescue Squad.

Section 6-32 Public Works, Recycling and Buildings and Grounds.

This committee shall have primary responsibility for the following described activities and matters:

A. The administration, practices, procedures and records of the following:

- (1) Road construction, improvement, maintenance and cleaning, including street openings.
- (2) Maintenance and operations of the Borough facilities and adjacent grounds.
- (3) Maintenance of vehicles and other mechanical equipment as assigned.
- (4) Sanitation activities, including construction, maintenance and inspection of sanitary sewers and coordination of new sewer construction.
- (5) Garbage and refuse collection and disposal.
- (6) The Borough Engineer.
- (7) Stormwater collection and disposal.
- (8) Parks maintenance.
- (9) Cutting of grass and weeds on municipal property.
- (10) Recycling collection and disposal.

Section 6-33 Police, Municipal Court, Legal, Code Enforcement. Zoning and Construction.

This committee shall have primary responsibility for the following described activities and matters:

A. The administration, practices, procedures and records of the following:

- (1) Police activities.
- (2) Borough Attorney.
- (3) Municipal Magistrate, Prosecutor, Public Defender and Court Services.
- (4) Code Enforcement activities.
- (5) Construction Office/Zoning Official activities.
- (6) Organizations or agencies concerned with public safety or juvenile delinquency.

Section 6-34 Administration, Legislation, Licensing, Facilities Planning and Office of Aging & Disabled Services.

This committee shall have primary responsibility for the following described activities and matters:

A. The administration, practices, procedures and records of the following:

- (1) The Borough Clerk's office.
- (2) Maintenance and review of Borough ordinances.
- (3) Computer technology, web services, phone systems and radio services. It shall serve as the liaison between the Council and the Borough Technology Committee.
- (4) Administrative responsibility as designated by the Mayor.
- (5) The Office of Aging & Disabled Services

SECTION IV.

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

SECTION V.

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 VI.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 12/19/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Dessino, Mikolajczyk, Quinn	
ABSENT:	Carnes, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2103-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2103-23.

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

ADOPTION OF MINUTES

1. Approval of the October 10, 2023 Regular & Executive Meeting Minutes

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

2. Approval of the October 24, 2023 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden made the following comments:

On Saturday, December 2nd, the American Legion will hold their annual remembrance ceremony at the post at 7pm where they will honor all members whom have passed in the last year.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

OEM: Free Bystander Bleeding Control Class for residents only will be on Tuesday, November 28, 2023 from 6:30 - 8:30 pm in the Library Community Room. The training includes Types of wounds, first aid measures to stop bleeding and how to wrap wounds. You have to register on the Borough website.

JLUB: The next meeting will be December 13th at 7pm.

Recreation and Seniors: Saturday December 2nd from 2-7pm will be our Winter Wonderland Festival in Mountain View Park. This includes our Tree Lighting, music, inflatables, photo opts, and ice-less skating rink plus a bonfire afterwards. Free admission to all.

Fire Department: Our Fire Department will be hosting Toys for Tots on December 2nd at the Winter Festival. Bring a new toy to donate.

Thanks to the Library and the American Legion for coordinating and hosting the Legacy Lawn on Saturday November 11th. I am sorry I missed it, but heard it was a great event.

Heather Lane: We have some updates which we will provide later this meeting.

Happy thanksgiving to all!

Councilman Carnes

Councilman Carnes was absent.

Councilman Dessino

Councilman Dessino made the following comments:

- Swim Pool met November 16th, they are closed down for the season. They will be going out for lifeguards in December.
 - DPW will be planting a tree in remembrance of Mr. Loss.
 - Leaf pickup is being finished up, and leaf bags are on a first come basis while supplies last.
-

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

Highlights of the October Police Report: Calls for service 2,090, 55 arrests, 3 DWI, 274 summons, 54 radar summons, 34 motor vehicle crashes, 9 reportable crimes, 44% clearance.

The police will be offering the active shooter training at the Library Community Room on several different dates.

Fire Department meeting discussed working with the DPW to allow employees to go on calls during the day to avoid shortages of members during a call. Traffic signal issues surrounding the firehouses are being looked into and will be addressed.

Councilman Quinn

Councilman Quinn made the following comments:

The County failed to send a representative to the last Board of Health meeting. Next meeting will be December 14th.

Happy Thanksgiving Middlesex.

Councilman Rex

Councilman Rex was absent.

ADMINISTRATOR'S REPORT

1. Earlier this month, the election went smoothly in Middlesex Borough thanks to our Borough Clerk Linda Chismar and her team. Congratulations to Mayor-Elect Mikolajczyk, Council President Conahan and Councilman-Elect Dotey.
2. Every year the State requires all municipalities to complete what is called the Best Practices Survey. It is a series of questions, both scored and unscored, to determine how well each municipality is following state regulations, statutes and mandatory deadlines. The good news is that Middlesex Borough scored well above the threshold to maintain our full State Aid payment. A big thank you to our Chief Financial Officer Caroline Benson for doing such an outstanding job of completing and submitting the survey for the Borough.
3. The Legacy Lawn project to honor Middlesex Borough veterans was a big success on Veterans Day. The display of signs honoring each veteran will remain in place through Pearl Harbor Day, December 7th. Sincere thanks to our Library Director Chrissy George who conceived of the idea and took the lead on the effort. Thanks also to Lenny Vidal and the Public Works Department as well as our local American Legion Post.
4. Council resolutions on the agenda this evening include authorization to apply to the 2024 American Rescue Plan Firefighter grant program as well as authorization to purchase new signage at the Police Headquarters and two (2) matrix message signs for use by the Fire Department.
5. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, we have been reaching out to PSE&G to find out the actual installation date for the new lighting. Just today, the Municipal Engineer spoke with a Regional Director at PSE&G who assured him that our project would be moved up in order of priority and that work should begin soon.
6. 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. Our Public Works Superintendent has informed me that if all the materials are received in time, we hope to begin work on the brook bank retaining wall during the first full week of December.
7. Reminder, at the suggestion of our Bond Counsel, we will have a special Council meeting to approve the resolutions for our bond sale on Friday, December 8, 2023 at 2:00 p.m. via Zoom.
8. Executive Session this evening - discussion of Real Estate at 1190 Mountain Avenue and the old Fire Department Headquarters site.
9. On a personal note, I would like to take this opportunity to thank the Mayor and Council, my fellow municipal employees and other members of the community for the amazing love and support given to me and to my family since the death of my brother. I would also like to extend my thanks and acknowledge the thoughtful and generous actions of Superintendent Lenny Vidal, Councilman Dessino and the Middlesex Public Works Department regarding John Loss, a former member of the department who recently passed away. Mr. Loss was given a wonderful send-off from this community and I can't think of anything more appropriate during this holiday season of Thanksgiving, love and peace on Earth.

PRIVILEGE OF THE FLOOR

Bob Edwards, 243 Hazelwood Avenue discussed all the resignations on the Cultural & Heritage Committee and felt that these resignations were due to the fact that the Council Representative ignored the wishes of the

committee members.

Dave Polakiewicz, 240 Hazelwood Avenue, discussed the changes made to create a Planning Board back in 2020 and if the change in population will require the Borough to go back to a Board of Adjustment. He also questioned the member turnover for the Culture and Heritage Committee. Mr. Polakiewicz asked how many meetings can be missed by a council person in a row as per the code.

Clare LeVourne, 809 Grandview Avenue questioned if there was any momentum on the Lions Grant, as there would be no cost to Middlesex.

Gene Hanania, Emil Vogt & Bill Vogt attended regarding the Landlord Registration Fee and expressed concern with the following:

- Questioned the registration fee increase for rental homes, due date of December 15th and why these registrations were not sent out with tax bill
- Poor timing for the payment of this Fee
- Requirement for the tenant to be available for the inspection of their rental
- Exactly what are the inspections that will be done?
- Will single family rentals be inspected
- Why Airbnb's are not charged these registration fees
- The State is already required to inspect 4 family apartments or larger
- Cost of this \$150 registration compared with other municipalities
- Passing this fee to tenants

Frank Ryan, 303 Maple Street indicated that he owns a 2 family house in Bound Brook and pays \$150 for each apartment. He is in favor of inspections to his rental as he likes to get confirmation from the borough Construction Office by sending them updated pictures of the fire extinguisher and smoke detector to protect his investment.

Jennifer Schneider, Asbury Park, spoke on behalf of Solar Landscape who have a proposed community solar project at 245 Mountain Avenue. She expressed the need for a letter of support from the mayor in order to get the State approval for the project. She also spoke about the scope of the project.

Anna Joppa, a nurse at Robert Wood Hospital requested on behalf of the nursing staff if the Borough Council would support Assembly Bill 4536/S304.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 334-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the September 2023, Police Report.
2. Acceptance of the October 2023 Police Report.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 335-2023

**AUTHORIZING REFUNDS FOR NON-RESIDENTIAL DEVELOPMENT FEES
INCORRECTLY ASSESSED FOR CERTAIN RESIDENTIAL DEVELOPMENTS**

WHEREAS, certain residential properties, as identified hereafter, have been incorrectly assessed a non-residential development fee by the Borough of Middlesex when applying for a Certificate of Occupancy; and

WHEREAS, developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance are exempt from development fees, unless the developer seeks a substantial change in the approval; and

WHEREAS, the Borough of Middlesex did not adopt a municipal development fee ordinance for residential developments prior to the preliminary or final site plan approvals for the subject properties; and

WHEREAS, the Borough of Middlesex shall refund the full amount of non-residential development fees paid by the property developers.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Chief Financial Officer is authorized to immediately refund the non-development permit fees to the individual property developers listed below:

<u>NAME</u>	<u>ADDRESS</u>	<u>PERMIT</u>	<u>AMOUNT</u>
Tunison Home Improvement 719 Bound Brook Rd Dunellen, NJ 08812	209 Chestnut St. Block 121, Lot 2.02	#23-114	\$17,500
Richard Lella 252 Woodfern Rd Neshanic Station, NJ 08853	59 Warrenton Rd Block 5, Lot 8	#22-302	\$4,292.92
Michael Murray Kelly Construction 3 Kelly Ct Green Brook, NJ 08812	627 Union Ave Block 80, Lot 5.01, C0001 629 Union Ave Block 80, Lot 5.01, C0002	#21-289 #21-289	\$12,375.00 \$12,375.00

631 Union Ave	#21-288	\$12,375.00
Block 80, Lot 5.02, C0001		
633 Union Ave	#21-288	\$12,375.00
Block 80, Lot 5.02, C0002		
1 & 3 Orchard Rd	#21-290	\$126.00
Block 80, Lot 5.03		

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 336-2023

**APPROVAL OF THE SUBMISSION OF A STRATEGIC PLAN FOR THE MIDDLESEX
MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2025**

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

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

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

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

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Middlesex Municipal Alliance grant for fiscal year 2025 in the amount of:

GCADA Grant Fund	\$9,978.00
Cash Match	\$2,494.50
In-Kind	\$7,483.50

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 337-2023

**AUTHORIZATION TO PURCHASE REDALERTS RECORD MANAGEMENT SOFTWARE,
SETUP & INSTALLATION IN THE AMOUNT OF \$12,175.00 FOR THE FIRE
DEPARTMENT UNDER THE SOURCEWELL CONTRACT #081419-SHI**

WHEREAS, the Borough of Middlesex wishes to purchase RedAlerts Record Management Software, Setup & Installation in the amount of \$12,175.00 for the Fire Department under the Sourcwell Contract #081419-SHI; and

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

WHEREAS, SHI International Corp is a vendor under the Sourcwell Contract #081419-SHI for RedAlerts Record Management Software, Setup & Installation; and

WHEREAS, the cost for the purchase of RedAlerts Record Management Software, Setup & Installation is not to exceed \$12,175.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of RedAlerts Record Management Software, Setup & Installation under Sourcwell Contract #081419-SHI be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$12,175.00 are available in the 2023 - Fire Department Capital 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 338-2023

**AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS' FISCAL YEAR 2024 AMERICAN RESCUE
PLAN FIREFIGHTER GRANT PROGRAM**

WHEREAS, the New Jersey Department of Community Affairs Division of Local Government Services has made grant funding available via the American Rescue Plan Firefighter Grant Program; and

WHEREAS, the Mayor and Council of the Borough of Middlesex desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$75,000.00 to carry out a project to provide the Middlesex Fire Department with proper fire

protection, cleaning, and sanitization equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX:

1. Hereby authorize the application for such a grant; and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Middlesex and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Mayor John L. Madden is authorized to sign the application, agreement, and any other documents necessary in connection therewith:

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 339-2023

**A RESOLUTION OF MIDDLESEX BOROUGH, MIDDLESEX COUNTY, NEW JERSEY
SUPPORTING REVOLUTIONNJ**

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas and event that shaped our Country, State and Borough; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the

battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Council further urges all of its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 340-2023

**APPROVING THE PURCHASE OF A LIGHTED SIGN FOR THE POLICE
HEADQUARTERS FROM VISUAL E-FEX IN THE AMOUNT OF \$8,080.00**

WHEREAS, the Middlesex Police Department of the Borough of Middlesex wishes to replace the lighted signs outside of Police Headquarters; and

WHEREAS, two quotes were received for the replacement of the lighted signs outside of Police Headquarters from the following vendors:

- 1) Visual E-Fex - \$8,080.00
- 2) Mr. Sign - \$8,610.00

WHEREAS, the Middlesex Police Department and the Purchasing Agent recommend using Visual E-Fex for the replacement of the lighted signs outside of Police Headquarters in the amount of \$8,080.00; 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 replacement of the lighted signs outside of Police Headquarter in the amount of \$8,080.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$8,080.00 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 341-2023

REFUNDING TAX TITLE LIEN REDEMPTIONS FOR BLOCK 47, LOT 8.01

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for November 21, 2023, and;

NOW THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

<u>Date of Sale:</u>	11/30/2022
<u>Block/Lot:</u>	47 / 8.01
<u>Amount:</u>	\$11,992.51
<u>Premium:</u>	\$10,500.00
<u>Certificate:</u>	21-00002
<u>Payable To:</u>	Fundpality II, LLC 110 N LaSalle St. Ste. 710 Chicago, IL 60602

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 342-2023

AUTHORIZING PURCHASE OF TWO (2) MATRIX MESSAGE BOARDS FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$10,000.00

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase two (2) Matrix Message Boards for the Fire Department; and

WHEREAS, two (2) quotes were received for the purchase of two (2) Matrix Message Boards from the following vendors:

- 1) Signs & Safety Devices - \$10,000.00
- 2) National Highway Products - \$18,316.62

WHEREAS, the Fire Department and the Purchasing Agent recommend using Signs & Safety for the purchase of two (2) matrix Message Boards in an amount not to exceed \$10,000.00; 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 Fire Department and the Purchasing Agent, the governing body hereby approves the purchase of two (2) Matrix Message Boards for the Fire Department in the amount of \$10,000.00.

NOW FURTHER BE IT RESOLVED that the CFO hereby certifies that funds in an amount not to exceed \$10,000.00 are available from Account: C-04-23-095-000-075.

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 343-2023

**AUTHORIZING THE TAX COLLECTOR TO ADJUST 1ST AND 2ND QTRS. 2024 TAXES
ON BLOCK 86.04 LOT 2**

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 86.04 Lot 2, 22 Shearn Drive has been declared a 100% Disabled Veteran by the Department of Veterans Affairs; and,

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

WHEREAS, the Tax Assessor has approved the application with a date of 11/13/2023; and,

WHEREAS, 2023 Final /2024 Preliminary billing has been processed and billed; and,

NOW, THEREFORE, the Tax Collector is hereby authorized to adjust off 1st and 2nd Qtrs. 2024 in the following amounts:

2024 1 st Qtr	\$2,846.01
2024 2 nd Qtr	\$2,846.01

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 344-2023

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE VETERAN TAX DEDUCTIONS FOR BLOCK 110 LOT 4**

WHEREAS, per (N.J.S.A. 54:4-8.10 et seq. as amended by P.L. 2019 c.413; N.J.A.C. 18:27-1.1 et seq.), certain Veterans were the owners of property in the Borough of Middlesex on or before October 1, 2023, and

WHEREAS, said Veterans did file their claims for the Veteran deduction with the proper official of the Borough of Middlesex, Middlesex County, and

WHEREAS, the Tax Assessor has allowed the following Veteran deduction(s) for the 2024 tax year totaling \$250.00

Name:	Hughes, Michael E.
Block/Lot:	110 / 4
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 345-2023

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - MUNICIPAL ALLIANCE
GRANT PROGRAM**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$5,000.00 which item is now available as a revenue from the DMHAS Youth Leadership through the Municipal Alliance Grant Program in the amount of \$5,000.00;

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption of "DMHAS Youth Leadership - Municipal Alliance Grant Program"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$5,000.00 from the Municipal Alliance Grant Program.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 346-2023

**CANCELLING IMPROVEMENT AUTHORIZATION FOR THE SWIM POOL WATER SLIDE
REFURBISHMENT IN THE AMOUNT OF \$12,697.00**

WHEREAS, there was an improvement authorization that was funded in total by the Swim Pool Capital Fund Balance, for the Water Slide Refurbishment, and;

WHEREAS, there is an unexpended balance of aforementioned improvement authorization and no further expenditures will be disbursed from said authorization;

NOW THEREFORE BE IT RESOLVED, that the balance of the improvement authorization for the Water Slide Refurbishment be cancelled and unexpended balance returned to the Swim Pool Capital Fund Balance.

Ordinance No. 2075-22
Ordinance Adoption Date: 12/20/2022
Original Amount Authorized: \$35,000.00
Total Cancellation: \$12,697.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 347-2023

**AUTHORIZING THE TRANSFER OF FUNDS FOR THE 2023 OPERATING BUDGET
WITH AN EFFECTIVE DATE OF NOVEMBER 22, 2023**

The CFO/Treasurer hereby authorizes the transfer of funds for the 2023 Operating Budget with an effective date of November 22, 2023:

Department	From	To
Flood Plain Printed Materials	\$2,500.00	
Flood Plain Manager	\$5,000.00	
Police Court Overtime	\$10,000.00	
Garbage S/W	\$10,500.00	
Senior Bus Transport S/W	\$4,500.00	
Recreation S/W	\$5,000.00	

Parks S/W	\$10,000.00	
Shade Tree		\$10,000.00
Multi Family Solid Waste		\$17,500.00
Senior Van Transport O/E -		\$10,000.00
Maintenance		
Social Security		\$10,000.00
	\$47,500.00	\$47,500.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 350-2023

APPROVING TAX TITLE LIEN REDEMPTION FUNDS FOR BLOCK 329, LOT 34

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for November 21, 2023, and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

<u>Date of Sale:</u>	11/30/2022
<u>Block/Lot:</u>	329/ 34
<u>Amount:</u>	\$29,282.97
<u>Premium:</u>	\$59,000.00
<u>Certificate:</u>	21-00013
<u>Payable To:</u>	Fundpality II, LLC
	110 N LaSalle St.
	Ste. 710
	Chicago, IL 60602

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 351-2023

AUTHORIZING THE RELEASE OF CERTAIN PERFORMANCE GUARANTEES IN CONNECTION WITH A PROJECT ON REAL PROPERTY DESIGNATED AS BLOCK 318,

**LOTS 1.01 AND 1.02 ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF
MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, CP Middlesex Urban Renewal LLC (“**Redeveloper**”) is a party to that certain Redevelopment Agreement dated January 11, 2021 (“**Redevelopment Agreement**”) for the construction of a warehouse building with office space, together with car and trailer parking on the Property, and the construction of utilities, driveways, parking, loading, street lighting, landscaping and other on and off-site improvements (the “**Project**”) on certain real property designated as Block 318, Lots 1.01 and 1.02 (f/k/a Block 318, Lots 4.02, 38.01 and 48) on the official tax map of the Borough of Middlesex, County of Middlesex, State of New Jersey (the “**Property**”);

WHEREAS, the Redeveloper obtained Preliminary & Final Major Site Plan Approval for the construction of the Project and in connection therewith posted with the Borough certain cash, surety bonds, and other performance guarantees (collectively, “**Performance Guarantees**”);

WHEREAS, the Redeveloper has satisfactorily completed the construction of the Project in accordance with the terms and conditions outlined in the Redevelopment Agreement, as evidenced by the Redeveloper obtaining a Certificate of Occupancy on May 2, 2023 and a Certificate of Completion on June 13, 2023;

WHEREAS, the Borough acknowledges the receipt of the maintenance guarantees posted by the Redeveloper; and

WHEREAS, given the satisfactory completion of the Project, the Borough believes that it is in the best interest of the Borough to release and return the Performance Guarantees to Redeveloper.

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

1. The Performance Guarantees shall be released and returned to the Redeveloper.
2. The Mayor and the Borough Clerk together with all appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

NON-CONSENT AGENDA/RESOLUTIONS

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 348-2023**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
ABSENT:	Carnes, Rex

AGENDA WORKSHOP ITEM**1. Heather Lane Property Erosion**

Mayor Madden indicated that we are hoping the Resiliency Grant can expedite this issue. Engineer Tom Herits and DPW Superintendent Lenny Vidal are finalizing the permit and want an erosion control mat. DPW Superintendent Lenny Vidal is looking at the first week of December to begin this project.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Mayor Madden opened the Privilege of the floor on Agenda Workshop Items. Seeing that there was no public participation, Mayor Madden closed the 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 349-2023**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 - 1190 Mountain Avenue and Real Estate - Fire Headquarters; 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
ABSENT:	Carnes, Rex

Real Estate - 1190 Mountain Ave. & Fire Headquarters

ADJOURNMENT

The next Regular Meeting will be December 19, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk