



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Linda Chismar
732 356-7400 x238
www.middlesexboro-nj.gov

Tuesday, January 23, 2024

7:00 PM

Municipal Building

- I. 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.
- II. SALUTE TO FLAG**
- III. ROLL CALL**

Attendee Name	Present	Absent	Late	Arrived
Mayor Jack Mikolajczyk	☐	☐	☐	
Council President Michael Conahan	☐	☐	☐	
Councilman Jeremiah Carnes	☐	☐	☐	
Councilman Robert Dessino	☐	☐	☐	
Councilman Kevin Dotey	☐	☐	☐	
Councilman Martin Quinn	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Administrator Michael LaPlace	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

- IV. PRESENTATIONS**
- V. APPOINTMENTS**
- VI. PROCLAMATIONS**
- VII. ORDINANCE(S) FOR INTRODUCTION**
 - 1. **Ordinance 2107-24** AN ORDINANCE AMENDING CHAPTER 420 (ZONING) SO AS TO UPDATE THE I-INDUSTRIAL ZONE BASED ON THE RECOMMENDATIONS OF THE BOROUGH ADMINISTRATION
 - 2. **Ordinance 2108-24** AN ORDINANCE AMENDING CODE BOOK SECTION 248-10 (FILING FEES) WITHIN CHAPTER 248 (LAND DEVELOPMENT) SO AS TO PROVIDE A REASONABLE INCREASE IN ESCROW FEES FOR DEVELOPMENT APPLICATIONS
 - 3. **Ordinance 2109-24** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 ENTITLED "FIRE DEPARTMENT" TO ADD SECTION 40-5 TO BE ENTITLED "EMPLOYEES WHO ARE MEMBERS OF A VOLUNTEER FIRE COMPANY OR RESCUE SQUAD"

4. **Ordinance 2110-24** AN ORDINANCE AMENDING CHAPTER 6 (BYLAWS OF COUNCIL) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX

VIII. ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

IX. ADOPTION OF MINUTES

1. Approval of the December 19, 2023 Regular & Executive Meeting Minutes
2. Approval of the January 2, 2024 Reorganization Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

1. Council President Conahan
2. Councilman Carnes
3. Councilman Dessino
4. Councilman Dotey
5. Councilman Quinn
6. Councilman Rex

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

XIV. NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS: Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. **Resolution 41-2024** Acceptance of Standing Reports
2. **Resolution 42-2024** Authorizing the Mayor and Police Chief to execute the Specialized Investigative Law Enforcement Equipment Memorandum of Understanding between the Middlesex County Prosecutor's Office and the Middlesex Police Department
3. **Resolution 43-2024** Authorizing the Refund of \$750.00 in Favor of Wood Fern Adobe, Inc. 252 Woodfern Rd, Neshanic Station, NJ 08853 for Sewer Tie

4. **Resolution 44-2024** Authorizing the Release of the Performance Bond for the Rt 28 Streetscape Project to Black Rock Enterprises, LLC, Inc. and Accepts the Maintenance Guarantee
5. **Resolution 45-2024** Amending Resolution #359-2023 to Reflect Correct Amounts to be Cancelled for Block 77, Lot 3
6. **Resolution 46-2024** Approving the Purchase of an Aquatic Plant Harvester from Weedoo Work Boats
7. **Resolution 47-2024** Authorizing Participation in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Borough of Middlesex to Request and Acquire Excess Department of Defense Equipment
8. **Resolution 48-2024** Acknowledging the Change in Status for Certain Properties Under the Veteran Tax Deductions Block 272.02 Lot 2
9. **Resolution 49-2024** Appointing Douglas Rex as the Mayor's Representative and Steve Greco as the Governing Body Representative to the Housing and Community Development Committee for 2024
10. **Resolution 50-2024** Authorizing the Tax Collector to Issue Tax Title Lien Redemption's on Block 84, Lot 21.03
11. **Resolution 51-2024** Authorizing the Purchasing Agent to Sell Surplus Personal Property on an Online Auction Website Entitled Municibid.com
12. **Resolution 52-2024** Approving the JIF Mandated Amendments to the Middlesex Borough Personnel Policies and Procedures Manual
13. **Resolution 53-2024** Approval of the Seven (7) Year Lease Agreement with NCL Governmental Capital for a Sewer Jet Vac for the Department of Public Works
14. **Resolution 54-2024** Accepting the Retirement of Sharon Smigel from the Police Department - Records Effective February 1, 2024
15. **Resolution 55-2024** Reimbursement of Dog License Fees Due to Insufficient Rabies
16. **Resolution 56-2024** Approval of the Middlesex Borough Emergency Action & Fire Prevention Plan

XV. NON-CONSENT AGENDA/RESOLUTIONS: Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

1. **Resolution 57-2024** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion

2. Renaming of the 2 Projects Sites - 302 Union Avenue & Sampling Plant Property

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

XVIII. EXECUTIVE SESSION

1. **Resolution 58-2024** Executive Session

Real Estate - 1190 Mountain Avenue

XIX. ADJOURNMENT

1. The next Regular Meeting will be February 13, 2024

ORDINANCE #2107-24

AN ORDINANCE AMENDING CHAPTER 420 (ZONING) SO AS TO UPDATE THE I-INDUSTRIAL ZONE BASED ON THE RECOMMENDATIONS OF THE BOROUGH ADMINISTRATION

WHEREAS, the Borough's Zoning Ordinance, Chapter 420, reflects the Borough's desired control of parcels within the municipality; and

WHEREAS, the Borough's most recent Master Plan Re-Examination demonstrated certain changes recommended to the Borough's Zoning Ordinance; and

WHEREAS, the governing body has determined that the following changes be implemented to expand the Industrial zone in the southernmost portions of the Borough; and

WHEREAS, the following changes have been cleared by the administration and the Borough attorneys;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Chapter 420 entitled "Zoning" is hereby amended as follows:

SECTION I.

Section 420-4 entitled "Zoning Map" and, therefore, the map on file in the Borough offices and incorporated in the Chapter 420 is hereby amended by this ordinance as follows:

- 1) Block 265, Lot 25 is hereby amended to reflect its correct designation as within the I - Industrial District.

SECTION II.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV.

The Clerk shall cause a copy of this ordinance as adopted to be filed with the County Planning Board pursuant to N.J.S.A. 40:55D-16 and a summary published as required by N.J.S.A. 40:49-2.1.

SECTION V.

Prior to adoption, the Clerk shall forward a copy of this ordinance for a consistency review by the Borough Land Use Board pursuant to N.J.S.A. 40:55D-26.

SECTION VI.

Prior to adoption, the Clerk shall cause notice to be published and mailed as required by N.J.S.A. 40:55D-62.1.

SECTION VII.

All Borough of Middlesex ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION VIII.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

INTRODUCED: January 23, 2024

DATE OF PUBLICATION:
OF INTRODUCTION January 26, 2024

ORDINANCE #2108-24

AN ORDINANCE AMENDING CODE BOOK SECTION 248-10 (FILING FEES) WITHIN CHAPTER 248 (LAND DEVELOPMENT) SO AS TO PROVIDE A REASONABLE INCREASE IN ESCROW FEES FOR DEVELOPMENT APPLICATIONS

WHEREAS, Section 10 (Filing Fees) within Chapter 248 (Land Development) of the Borough of Middlesex's Code provides for the filing and escrow fees required for development applications submitted to the Borough's Land Use Board; and

WHEREAS, the governing body of the Borough of Middlesex has received a request from the professionals of the Land Use Board to modestly increase the escrow fees required for development applications to avoid deficiencies during the processing of said development applications; and

WHEREAS, the following changes to the Chapter have been cleared by the administration and the Borough attorneys and appear reasonable, consistent, and appropriate when compared to surrounding municipalities;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Section 248-10 of the Borough's Code entitled "Filing Fees" is hereby amended as follows:

SECTION I.

Section 248-10 is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

An application to the Land Use Board for any application for development as defined herein shall be accompanied by a filing fee which shall be used to defray the administrative cost of processing the application as follows:

TYPE OF APPLICATION	APPLICATION FEE	ESCROW AMOUNT
Minor Subdivision - Lot Line Adjustment	\$250	\$2,000 <u>3,000</u>
Minor Subdivision	\$350	\$3,000 <u>4,000</u>
Preliminary Major Subdivision	\$350 + \$50 per lot + \$100 per lot	\$4,000 + <u>\$100 per lot</u>
Final Major Subdivision	\$400	50% of preliminary subdivision
Variance with Subdivision	\$400	\$4,500 <u>5,000</u> plus \$500 per variance
Minor Site Plan	\$500	\$6,000 <u>7,500</u>
Major Site Plan	\$500 + \$100 per lot	\$10,000 <u>12,000</u> + \$200 per lot
Variance with Site Plan	\$500 + \$100 per lot + \$100	\$10,000 <u>12,000</u> + \$200 per lot

	per variance	+ \$500 per variance
Redevelopment Application	\$1,000 + \$100 per lot + \$100 per deviation	\$10,000 <u>15,000</u> + \$200 per lot + \$500 per deviation
<u>Use Variance with waiver of site plan</u>	<u>\$400</u>	<u>\$4,000</u>
<u>Concept Review</u>	<u>\$100</u>	<u>\$1,000</u>
Interpretation Application (40:55D-68 & 40:55D-70a, b)	\$400	\$1,500 <u>2,000</u>
<u>Certificate of Non-Conformity</u>	<u>\$150</u>	<u>\$1,000</u>
Residential Variance Application	\$400	\$1,000
Special Meetings/Appeals	\$1,000	\$5,000
Variance Application - Residential Accessory Building	\$250	\$500 <u>1,000</u>
Site Plan Review & Requirements for New Jersey DEP Permits or County Environmental Protection Permits	\$500	\$6,000 + \$100 per lot

SECTION II.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV.

All Borough of Middlesex ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION V.

The Clerk shall cause a copy of this ordinance as adopted to be filed with the County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION VI.

Prior to adoption, the Clerk shall forward a copy of this ordinance for a consistency review by

the Borough Land Use Board pursuant to N.J.S.A. 40:55D-26.

SECTION VII.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

INTRODUCED: January 23, 2024

DATE OF PUBLICATION:
OF INTRODUCTION January 26, 2024

ORDINANCE #2109-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 ENTITLED “FIRE DEPARTMENT” TO ADD SECTION 40-5 TO BE ENTITLED “EMPLOYEES WHO ARE MEMBERS OF A VOLUNTEER FIRE COMPANY OR RESCUE SQUAD”

WHEREAS, the Borough of Middlesex’s personnel policy currently permits employees who are members of a volunteer emergency service to be excused from their ordinary work duties while responding to emergency calls within the Borough; and

WHEREAS, the Borough of Middlesex desires to codify this personnel policy into the municipal code of the Borough of Middlesex.

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 40 of the Borough Code, entitled “Fire Department” is hereby supplemented and amended as follows:

SECTION I. There is hereby added a new section 40-5 entitled “Employees who are members of a volunteer fire company or rescue squad” which shall read as follows:

Employees are encouraged to become members of volunteer fire companies or rescue squads. Employees who are members of a volunteer fire company, the rescue squad or OEM which serve the Borough of Middlesex should notify their Department Head of their intent to serve in that capacity.

Employees who are members of a volunteer fire company or the rescue squad which serves the Borough of Middlesex shall be excused from attendance during their regular working hours for fire or rescue squad emergencies, except during Borough emergencies, and only for the duration of the fire or rescue squad emergency. Employees who receive a call during working hours or which will necessitate their absence during working hours shall notify their immediate supervisor or department head of the call unless notification would impair the employee's ability to timely respond to the emergency.

Employees who respond to emergency calls should, upon return to work, notify their department head of the nature of the emergency and the length of their absence.

If any member of the department or office is a member of the above organizations, the department head or Administrator may limit the response to ensure that Borough functions are not being unusually interrupted, unless the magnitude of the emergency requires all members of the above organizations. Employees working on an overtime basis for the Borough will not be excused for firefighting or rescue squad duties should make necessary arrangements with the tire company or rescue squad in advance so that other fire company or rescue squad members will be available. An employee shall not respond to a call if leaving eh job site might cause a fellow employee to be endangered.

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.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

INTRODUCED: January 23, 2024

DATE OF PUBLICATION:
OF INTRODUCTION January 26, 2024

ORDINANCE #2110-24

AN ORDINANCE AMENDING CHAPTER 6 (BYLAWS OF COUNCIL) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX

WHEREAS, by Ordinance No. 2160-23 of the Borough of Middlesex, Chapter 6 of the municipal code was amended to reinstitute council liaison committees; and

WHEREAS, the Mayor and Council now seeks to amend Chapter 6 to reallocate and reapportion certain council committee liaison appointments within the ordinance; 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.

Section 6-24 of Article V of Chapter 6 (entitled "Enumeration and Appointment") is hereby repealed and replaced as follows (all text is novel excepting section header and introductory text):

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. Administration, Legislation, and Department of Senior Services
- B. Fire, Office of Emergency Management, Police, Court, and Rescue Squad
- C. Finance, Taxation, Real Estate, Insurance, Public Utilities, and Library
- D. Board of Health, Zoning, Legal, Code Enforcement, Shade Tree, and Construction
- E. Public Works, Recycling, Building and Grounds, and Environmental Commission
- F. Recreation, Recreation Fields, Swim Pool Commission, and Community Celebrations

SECTION II.

Section 6-29 of Article V of Chapter 6 is hereby repealed and replaced as follows (all text is novel):

Section 6-29 Administration, Legislation, and Department of Senior 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.

SECTION III.

Section 6-30 of Article V of Chapter 6 is hereby repealed and replaced as follows (all text is novel):

Section 6-30 Fire, Office of Emergency Management, Police, Court, 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. The administration, practices, procedures and records of the following:
 - (1) Police activities.
 - (2) Municipal Magistrate, Prosecutor, Public Defender and Court Services.
 - (3) Organizations or agencies concerned with public safety or juvenile delinquency.
- C. It shall serve as the liaison between the Council and the Office of Emergency Management and the Rescue Squad.

SECTION IV.

Section 6-31 of Article V of Chapter 6 is hereby repealed and replaced as follows (all text is novel):

Section 6-31 Finance, Taxation, Real Estate, Insurance, Public Utilities, and Library

This 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.
- H. Serve as liaison between the Council and the Library.

SECTION V.

Section 6-32 of Article V of Chapter 6 is hereby repealed and replaced as follows (all text is novel):

Section 6-32 Board of Health, Zoning, Legal, Code Enforcement, Shade Tree, and Construction

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

- A. It shall serve as the liaison between the Council and the Board of Health and the Shade Tree Commission.
- B. The administration, practices, procedures and records of the following:
 - (1) Code Enforcement activities.
 - (2) Construction Office/Zoning Official activities.
 - (3) Borough Attorney.

SECTION VI.

Section 6-33 of Article V of Chapter 6 is hereby repealed and replaced as follows (all text is novel):

Section 6-33 Public Works, Recycling, Building and Grounds, and Environmental Commission

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 municipal garage 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.

B. It shall serve as the liaison between the Council and the Environmental Commission.

SECTION VII

Section 6-34 of Article V of Chapter 6 is hereby repealed and replaced as follows (all text is novel):

Section 6-34 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 Committee.
- (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 Committee.
- (2) Community celebrations financed wholly or in part by public funds.

SECTION VIII.

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

SECTION IX.

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 X.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

INTRODUCED: 01/23/2024

DATE OF PUBLICATION:
OF INTRODUCTION

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #41-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the 2023 Joint Land Use Board Annual Report.
2. Approval of the Community Pool 2023 End of Season Report.
3. Acceptance of the December 2023 Tax Totals.
4. Acceptance of the December 2023 Police Report.
5. Acceptance of William J. Smith of the Middlesex Fire Department as a Life Member.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #42-2024

**AUTHORIZING THE MAYOR AND POLICE CHIEF TO EXECUTE THE SPECIALIZED
INVESTIGATIVE LAW ENFORCEMENT EQUIPMENT MEMORANDUM OF
UNDERSTANDING BETWEEN THE MIDDLESEX COUNTY PROSECUTOR'S
OFFICE AND THE MIDDLESEX POLICE DEPARTMENT**

The Governing Body hereby authorizes the Mayor and Police Chief to execute the Memorandum of Understanding by and between the Middlesex County Prosecutor's Office and the Middlesex Police Department for the use of Specialized Investigative Law Enforcement Equipment owned and maintained by the County of Middlesex and the Middlesex County Prosecutors Office for the period of January 1, 2024 to December 31, 2024.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #43-2024

**AUTHORIZING THE REFUND OF \$750.00 IN FAVOR OF WOOD FERN ADOBE, INC.
252 WOODFERN RD, NESHANIC STATION, NJ 08853 FOR SEWER TIE**

WHEREAS, on 6/24/2022, Wood Fern Adobe, Inc applied to the Construction Office for the payment of a sewer tie in for 59 Warrentville Rd; and

WHEREAS, Wood Fern Adobe, Inc submitted \$750.00 payment of said of sewer tie; and

WHEREAS, due to the house that was previously demolished, the builder was able to use the previous sewer tie in for 59 Warrentville Rd.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$750.00 in favor of Wood Fern Adobe, Inc. 252 Woodfern Rd, Neshanic Station, NJ 08853.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #44-2024

**AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE RT 28
STREETSCAPE PROJECT TO BLACK ROCK ENTERPRISES, LLC, INC. AND
ACCEPTS THE MAINTENANCE GUARANTEE**

WHEREAS, final payment to Black Rock Enterprises, LLC, Inc. has been submitted for the Rt 28 Streetscape Project; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, the Borough Engineer, has recommended the release of Performance Bond No. 0-22071, issued by Great American Insurance Company in the amount of \$1,298,189.00, which was submitted by Black Rock Enterprises, LLC, Inc. and is being held by the Borough for the Rt 28 Streetscape Project; and

WHEREAS, Colliers Engineering & Design Engineers and the Borough Attorney have reviewed all documents and are recommending the release of said Performance Bond and accept the Maintenance Guarantee No. CA-4376095M.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey in accordance with N.J.A.C. 40:55D-53c. (1) of the Municipal Land Use Law, and by recommendation of Colliers Engineering & Design Engineers and the Borough Attorney, the governing body hereby agrees to release the performance bond for the Rt 28 Streetscape Project to Black Rock Enterprises, LLC, Inc. and accept the Maintenance Guarantee.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #45-2024

AMENDING RESOLUTION #359-2023 TO REFLECT CORRECT AMOUNTS TO BE CANCELLED FOR BLOCK 77, LOT 3

WHEREAS, Resolution #359-2023 authorized 1st & 2nd Qtr 2024 taxes to be cancelled off for Block 77, Lot 3; and,

WHEREAS, the amounts were incorrect, and,

WHEREAS, the correct amounts are, \$1,744.51 for 1st & \$1,744.51 for 2nd Qtr, and

NOW, THEREFORE, the Tax Collector is hereby authorized to cancel the balance of 1st & 2nd Qtr. 2024 taxes in the following amounts,

1st Qtr. 2024 \$1,744.51

2nd Qtr. 2024 \$1,744.51

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #46-2024

APPROVING THE PURCHASE OF AN AQUATIC PLANT HARVESTER FROM WEEDOO WORK BOATS

WHEREAS, the Borough of Middlesex Department of Public Works has determined that there is a need for the acquisition of the following goods and services: Aquatic Plant Harvester; and

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for the Aquatic Plant Harvester were prepared and advertised in accordance with the Local Public Contracts Law; and

WHEREAS, One (1) bid was received and read out loud in public on December 19, 2023, for the Aquatic Plant Harvester; and

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

- 1) Weedoo Work Boats
8020 Belvedere Rd
West Palm Beach, FL
Total Price: \$110,852.50

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 and the Purchasing Agent, the Mayor and governing body hereby approves the purchase of an Aquatic Plant Harvester from Weedoo Work Boats, as the lowest responsive, responsible bidder.

NOW FURTHER BE IT RESOLVED, funds in an amount not to exceed \$110,852.50 are available from the 2023 Capital Budget - Victor Crowell Lake. C-04-23-095-000-093.

Caroline Benson, CFO

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #47-2024

AUTHORIZING PARTICIPATION IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE BOROUGH OF MIDDLESEX TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency ("DLA") Law Enforcement Support Office ("LESO") 1033 Program (the "1033 Program") to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies ("LEAs"); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED BY Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Borough of Middlesex Police Department is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2024 through December 31, 2024.

BE IT FURTHER RESOLVED that the Middlesex Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the Middlesex Police Department, if it shall become available within the period of time for which this Resolution authorizes, based on the needs of the Middlesex Police Department, without restriction; and

BE IT FURTHER RESOLVED that the Middlesex Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, the description of which is attached hereto, if it shall become available within the period of time for which this Resolution authorizes; and

BE IT FURTHER RESOLVED that the Middlesex Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Middlesex Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) "DEMIL A" property and (2) "DEMIL B through Q" property, both of which may be made available through the 1033 Program during the time period for which this Resolution authorizes, with program participation and all property request authorization terminating on December 31, 2024.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #48-2024

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES
UNDER THE VETERAN TAX DEDUCTIONS BLOCK 272.02 LOT 2**

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: Perlack, William
Block/Lot: 272.02 / 2
Amount: \$250.00

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #49-2024

APPOINTING DOUGLAS REX AS THE MAYOR'S REPRESENTATIVE AND STEVE GRECO AS THE GOVERNING BODY REPRESENTATIVE TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR 2024

WHEREAS, it is necessary for the Borough of Middlesex to appoint a representative to the Middlesex County Housing & Community Development for the year 2024; and

WHEREAS, the Borough of Middlesex is authorized to have a representative appointed to this Committee, one to be appointed by the Mayor and one to be appointed by the Governing Body; and

WHEREAS, the Mayor has appointed Douglas Rex as his Class I representative to the Housing and Community Development Committee for 2024; and

WHEREAS, the Governing Body has appointed Steve Greco as their representative to the HUD Committee.

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 Mayor hereby appoints Douglas Rex as the Class I representative and the Governing Body hereby appoints Steve Greco as its representative to the Middlesex County Housing & Community Development Committee for the year 2024.
2. The Borough Clerk is hereby authorized and directed to send a letter to the Housing & Community Development Committee advising the Committee of names, addresses and telephone numbers of the two people who will be serving as representatives for the Borough of Middlesex to the Housing & Community Development Committee for 2024.
3. This resolution shall take effect immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #50-2024

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S
ON BLOCK 84, LOT 21.03**

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 January 23, 2024, 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):

Date of Sale: 11/16/2023

Block/Lot: 84 / 21.03

Amount: \$629.11

Premium: \$1,000.00

Certificate: 22-00001

Payable To: Pro Cap 8 FBO Firsttrust Bank
P.O. Box 774
Fort Washington, PA 19034-0774

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #51-2024

AUTHORIZING THE PURCHASING AGENT TO SELL SURPLUS PERSONAL PROPERTY ON AN ONLINE AUCTION WEBSITE ENTITLED MUNICIBID.COM

WHEREAS, the Borough of Middlesex Police Department has determined that the equipment listed below has been rendered obsolete, broken, and no longer serviceable or usable;

- 1) 2001 Kustom Signals Inc. Speed Trailer

NJ Reg-TVK47X

VIN #1K9BS08161K118194

WHEREAS, the Borough of Middlesex intends to utilize the online auction services of Municibid.com located at 2401 Walnut Street, Philadelphia, PA; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15. Sale dates to be determined; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Middlesex, County of Middlesex, State of New Jersey, that the Purchasing Agent is hereby authorized to sell the surplus personal property as indicated below on an online auction website entitled Municibid.com, 2401 Walnut Street, Philadelphia, PA; and

BE IT FURTHER RESOLVED, that the Auction for items shall be for a total of ten (10) days and all fees are to be paid for by the buyer as per the terms and conditions of the agreement entered into between Municibid.com and the Borough of Middlesex and are available at Municibid.com and in the office of the Purchasing Agent.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #52-2024

APPROVING THE JIF MANDATED AMENDMENTS TO THE MIDDLESEX BOROUGH PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, The Governing Body adopted the JIF Mandated Middlesex Borough Personnel Policies and Procedures Manual on November 23, 2021; and

WHEREAS, This JIF Mandated Middlesex Borough Personnel Policies and Procedures Manual was last amended on June 29, 2023; and

WHEREAS, The Governing Body would like to amend Personnel Manual to include JIF Mandated revisions for the following items:

- Section One, Page 8, 1.A Anti-Discrimination Policy, Page 33, 1.N. Access to Personnel Files
- Section Two, Page 42, 2.B. Absenteeism and Tardiness Policy, Page 49, 2.I. Assigned Vehicles and Use of Borough Vehicles (Non-law Enforcement Policy), sub-section "Use of Employee Personnel Vehicle"
- Section Three, page 83, 3.E. Sick Leave Policy, Page 91 & 92, 3.I. Family and Medical Leave Policy, sub-section "Family Temporary Disability"
- Section Four, page 100, 4.B. Overtime Compensation Policy

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Middlesex Borough Personnel Policies and Procedures Manual be amended per JIF Mandated Revisions effective immediately to include the amendments and additions listed.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #53-2024

**APPROVAL OF THE SEVEN (7) YEAR LEASE AGREEMENT WITH NCL
GOVERNMENTAL CAPITAL FOR A SEWER JET VAC FOR THE DEPARTMENT OF
PUBLIC WORKS**

WHEREAS, the Department of Public Works wishes to lease one (1) Sewer Jet Vac for seven (7) years in the amount of \$267,824.32 (plus interest) through Sourcewell Contract# 011620-NCL;

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

WHEREAS, NCL Government Capital is under the Sourcewell Contract# 011620-NCL for Sewer Jet Vac; and

WHEREAS, the lease agreement is for seven (7) years. Yearly Payment: \$48,746.86 - first installment due 1/19/2025; and

WHEREAS, after seven (7) years the Department of Public Works will own said equipment; and

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

- 1) The governing body hereby approves the seven (7) year Lease Agreement with NCL Governmental Capital under Sourcewell Contract# 011620-NCL for a Sewer Jet Vac for the Department of Public Works.
- 2) The Governing Body authorizes the Mayor to sign the Lease Agreement in the amount of \$267,824.32.

BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount of \$48,746.86 are available in Account: C-04-22-062-000-092 (2022 Capital - Sewer Dept) has \$36,000 and C-04-23-095-000-092 (2023 Capital - Sewer Dept) has \$12,746.86 - the subsequent years will be appropriated in upcoming Capital budgets.

Caroline Benson, CFO

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #54-2024

**ACCEPTING THE RETIREMENT OF SHARON SMIGEL FROM THE POLICE
DEPARTMENT - RECORDS EFFECTIVE FEBRUARY 1, 2024**

The Mayor and Council hereby accept Sharon Smigel's retirement effective February 1, 2024 and authorize the Treasurer to pay the full allowance of \$13,593.51, in accordance with the White Collar Union Contract, in the next regular Borough payroll of February 9, 2024. The benefits include the following:

21 Days Vacation Time	\$ 4,531.17
42 Days Sick Time	\$ 9,062.34
 TOTAL	 \$ 13,593.51

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #55-2024

REIMBURSEMENT OF DOG LICENSE FEES DUE TO INSUFFICIENT RABIES

The Governing Body hereby approves the reimbursement fee for Dog License to Lauren Frisoli, 324 Cook Avenue, Middlesex, New Jersey in the amount of \$10.00 and Melinda Callis, 612 Ashland Road in the amount of \$13.00 for insufficient Rabies.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #56-2024

**APPROVAL OF THE MIDDLESEX BOROUGH EMERGENCY ACTION & FIRE
PREVENTION PLAN**

The Governing Body hereby accepts the Middlesex Borough Emergency Action & Fire Prevention Plan.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #57-2024

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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #58-2024

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

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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on January 23, 2024.