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, February 13, 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

1. **Resolution 59-2024** Promoting Sergeant James Dolinski to the Rank of Lieutenant Effective Immediately at an Annual Salary of $149,095

2. **Resolution 60-2024** Promoting Police Officer Paul Steffanelli to the Rank of Sergeant Effective Immediately at an Annual Salary of $136,785

3. Accepting the Resignation of Ann Marie Kleiber From the Swim Pool Commission

VI. PROCLAMATIONS

1. Appointing John L. Madden Mayor Emeritus

VII. ORDINANCE(S) FOR INTRODUCTION

1. **Ordinance 2111-24** AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE AND SIGN FOR THE RELEASE OF CONSERVATION EASEMENTS EXECUTED TO THE BENEFIT OF THE BOROUGH OF MIDDLESEX AS PART OF THE GREEN BROOK FLOOD RISK MANAGEMENT PROJECT WITH THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

2. **Ordinance 2112-24** AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY KNOWN AS BLOCK 278, LOT 52 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED ON DRAKE AVENUE TO THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

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

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

IX. ADOPTION OF MINUTES

1. Approval of the January 23, 2024 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

1. Appointment of Council Committees

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 44-2024** Authorizing the Release of the Performance Bond for the Rt 28 Streetscape Project to Black Rock Enterprises, LLC, Inc. and Accepting the Maintenance Guarantee

2. **Resolution 61-2024** Acceptance of Standing Reports

3. **Resolution 62-2024** Authorizing the Tax Collector To Cancel The Balance Of 1st & 2nd Qtr. 2024 Taxes on Block 329, Lot 21

4. **Resolution 63-2024** Authorizing the Refund of Recording Fee On Tax Sale Certificate 22-00001

5. **Resolution 64-2024** Authorizing A Grant Submission to the New Jersey Department of Community Affairs' FY24 Local Recreation Improvement Grant Program

6. **Resolution 65-2024** Authorizing the Tax Collector to Issue Tax Title Lien Redemption's on Block 236, Lot 8

7. **Resolution 66-2024** Authorizing the Tax Collector to Issue Tax Title Lien Redemption's on Block 256, Lot 6

8. **Resolution 67-2024** Approving the Temporary Discharge Approval Application at the Factory Lane Site to be Submitted by the MCUA at the Request of New Fields, on Behalf of Bayer Crop Science, Inc.

9. **Resolution 68-2024** Authorizing the Superintendent of Public Works to Submit the Recycling Enhancement Grant Application to the Middlesex County Division of Solid Waste Management

10. **Resolution 69-2024** Approving the Refund of $1875.00 for Street Opening Permit No. 2022-008 to AWT Environmental, P.O. Box 128, Sayreville NJ

11. **Resolution 70-2024** Approving the Refund of $1875.00 for Street Opening Permit No. 2023-004 to Mario's Landscaping, 174 Mountain Avenue, Warren NJ

12. **Resolution 71-2024** Approval of Renaming the Property Formerly Known As the Sampling Plant to the Mountain Avenue Facility

13. **Resolution 72-2024** Approval of Renaming the Property Formerly Known As 302 Union Avenue to the Victor Crowell Annex

14. **Resolution 73-2024** Hiring Chelsea Hackney As A Full Time Employee For The Police Department As A Police Records Clerk Effective February 20, 2024 At An Annual Salary Of $45,000

15. **Resolution 74-2024** Authorizing The Release Of The Performance Guarantee Along With The Balance Of The Inspection Fee Escrow Account for Block 141, Lot 11

16. **Resolution 75-2024** Authorizing The Purchasing Agent To Sell Various Surplus Personal Property On An Online Auction Website Entitled Municibid.com

17. **Resolution 76-2024** Authorizing the Release of the Performance Guarantees and Escrow Funds in Connection with Joint Land Use Board Application #2023-001

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 77-2024** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion

2. Pillars of the Community

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 78-2024** Executive Session

   Real Estate - Block 265, Lot 25

   Personnel - Zoning

Creighton Lake

XIX. ADJOURNMENT

1. The next Regular Meeting will be February 27, 2024

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

Resolution #59-2024

PROMOTING SERGEANT JAMES DOLINSKI TO THE RANK OF LIEUTENANT EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF $149,095

WHEREAS, Sergeant James Dolinski has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Sergeant James Dolinski be promoted to the rank of Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Sergeant James Dolinski be promoted to the rank of Lieutenant effective immediately at an annual salary of $149,095.

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 February 13, 2024.

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

Resolution #60-2024

PROMOTING POLICE OFFICER PAUL STEFFANELLI TO THE RANK OF SERGEANT EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF $136,785

WHEREAS, Police Officer Paul Steffanelli has successfully completed all phases of the promotional testing procedures; and

WHEREAS, Chief Matthew Geist has recommended that Police Officer Paul Steffanelli be promoted to the rank of Sergeant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Police Officer Paul Steffanelli be promoted to the rank of Sergeant effective immediately at an annual salary of $136,785.

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 February 13, 2024.

PROCLAMATION

Appointing John L. Madden Mayor Emeritus

WHEREAS, in special recognition of his distinguished service to the Borough of Middlesex, the Governing Body wishes to acknowledge John L. Madden, by appointing him with the honorary title of Mayor Emeritus of Middlesex Borough; and

WHEREAS, John L. Madden served as the Mayor of Middlesex Borough from 2020 to 2023; and

WHEREAS, Mayor Madden served as an invaluable and influential member of the Governing Body and consistently demonstrated his passion for Middlesex Borough through his service on numerous Boards, Committees and Commissions; and

WHEREAS, Mayor Madden provided indispensable leadership to the Borough of Middlesex at a particularly challenging period in its history, and

NOW THEREFORE I, JACK MIKOLAJCZYK, Mayor of the Borough of Middlesex, State of New Jersey, along with the Middlesex Borough Council hereby appoints John L. Madden, as Mayor Emeritus of Middlesex Borough.

IN WITNESS WHEREOF, I hereby set my hand and the seal of the Borough of Middlesex to be affixed this 13th day of February, 2024.

DATED: February 13, 2024

_____
Linda Chismar, RMC

_____
Mayor John L. Madden

ORDINANCE #2111-24

AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE AND SIGN FOR THE RELEASE OF CONSERVATION EASEMENTS EXECUTED TO THE BENEFIT OF THE BOROUGH OF MIDDLESEX AS PART OF THE GREEN BROOK FLOOD RISK MANAGEMENT PROJECT WITH THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

WHEREAS, the Borough of Middlesex ("Borough") 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 of Middlesex is currently the easement holder (as the beneficiary/grantee of conservation easements) on parcels identified as follows: a) Block 58, Lot 1.02 (easement granted to Borough as part of minor subdivision of Lot 1 into Lots 1.01 and 1.02), parcel better known as 130 Nelson Street near the corner of Nelson Street and Dayton Avenue; and b) Block 56, Lot 18.01 (easement granted to Borough as part of minor subdivision of Lot 18 into Lots 18.01 and 18.02), parcel better known as 7-9 East Wilson Street; and

WHEREAS, these conservation easements to the benefit of the Borough were drafted and recorded as part of the approval process for minor subdivisions affecting the above listed lots; and

WHEREAS, the Borough has now been approached by the USACE requesting a release of these conservation easements to assist with the construction activities associated with the Green Brook Flood Risk Management Project; and

WHEREAS, the release of these easements will result in the construction of infrastructure designed for the protection of local residents from recurring flooding; and

WHEREAS, the legal descriptions, maps, deeds, and other materials evidencing the existence of these easements is attached hereto as Exhibit A for the easement on Block 58, Lot 1.02, and Exhibit B for the easement on Block 56, Lot 18.01; and

WHEREAS, the Borough intends to have a public hearing on this ordinance for release of the easements as specified in N.J.S.A. 13:8B-5, upon public notice as consistent therewith; and

WHEREAS, the Borough has simultaneously made application to the NJDEP for a certificate approving the release of these Borough-held conservation easements consistent with N.J.S.A. 13:8B-6; and

WHEREAS, the Mayor must sign off on the release of these restrictions;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that the Borough consents to the release of the conservation easements as specified herein to facilitate improvements necessitated by the Green Brook Flood Risk Management Project and approves the execution of any additional documents as may be deemed necessary therefor.

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 February 13, 2024.

INTRODUCED: February 13, 2024

DATE OF PUBLICATION:
OF INTRODUCTION February 16, 2024

ORDINANCE #2112-24

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY KNOWN AS BLOCK 278, LOT 52 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 a parcel of land known as Lot 52 within Block 278 on the Middlesex Borough tax map, located on Drake Avenue ("property"), which is next to the "Daisy Park" and totals 0.57 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 52 for the price of $230,000.00; and

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

WHEREAS, this parcel of property is not currently needed for the Borough's public use and is 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, Lot 52 on the Middlesex Borough Tax Map, located on Drake Avenue;

2. The lot in question, as shown on the tax map, is in aggregate approximately 0.57 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 $230,000;

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 offeror, 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.

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 February 13, 2024.

INTRODUCED: February 13, 2024

DATE OF PUBLICATION:
OF INTRODUCTION February 16, 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 February 13, 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~~**3,000**
Minor Subdivision	$350	$~~3,000~~**4,000**
Preliminary Major Subdivision	$350 + $50 per lot + $100 per lot	$4,000 **+ $100 per lot**
Final Major Subdivision	$400	50% of preliminary subdivision
Variance with Subdivision	$400	$~~4,500~~**5,000** plus $500 per variance
Minor Site Plan	$500	$~~6,000~~**7,500**
Major Site Plan	$500 + $100 per lot	$~~10,000~~**12,000** + $200 per lot
Variance with Site Plan	$500 + $100 per lot + $100	$~~10,000~~**12,000** + $200 per lot

	per variance	+ $500 per variance
Redevelopment Application	$1,000 + $100 per lot + $100 per deviation	$~~10,000~~**15,000** + $200 per lot + $500 per deviation
Use Variance with waiver of site plan	**$400**	**$4,000**
Concept Review	**$100**	**$1,000**
Interpretation Application (40:55D-68 & 40:55D-70a, b)	$400	$~~1,500~~**2,000**
Certificate of Non-Conformity	**$150**	**$1,000**
Residential Variance Application	$400	$1,000
Special Meetings/Appeals	$1,000	$5,000
Variance Application - Residential Accessory Building	$250	$~~500~~**1,000**
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 February 13, 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 February 13, 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 February 13, 2024.

INTRODUCED: 01/23/2024

DATE OF PUBLICATION:
OF INTRODUCTION January 26, 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 ACCEPTING 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 February 13, 2024.

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

Resolution #61-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the January 2024 Fire Report.

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 February 13, 2024.

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

Resolution #62-2024

AUTHORIZING THE TAX COLLECTOR TO CANCEL THE BALANCE OF 1ST & 2ND QTR. 2024 TAXES ON BLOCK 329, LOT 21

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 329 Lot 21, 105 Benart Place, 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 1/18/2024; 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	$2,633.43
2nd Qtr. 2024	$2,633.42

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 February 13, 2024.

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

Resolution #63-2024

AUTHORIZING THE REFUND OF RECORDING FEE ON TAX SALE CERTIFICATE 22-00001

WHEREAS, resolution #50-2024, collected $1,629.11 for the redemption of certificate 22-00001, and

WHEREAS, the amount of $1,629.11, included a recording fee of $55.00, and

WHEREAS, the lien holder did not record above certificate, and

WHEREAS, the amount to redeem therefore was $1,574.11, and

WHEREAS, the redeemer paid $1629.11, and

WHEREAS, the redeemer is entitled to the reimbursement of the $55.00 recording fee, and

NOW THEREFORE, the tax collector is hereby authorized to issue a check to the redeemer, in the amount of $55.00 to the below;

Temitope Ajibade
8 Ramsey Road
Middlesex, NJ 08846

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 February 13, 2024.

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

Resolution #64-2024

AUTHORIZING A GRANT SUBMISSION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS' FY24 LOCAL RECREATION IMPROVEMENT GRANT PROGRAM

WHEREAS, the Borough of Middlesex desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $100,000.00 to carry out a project to Replace Playground Equipment at Cook Field,

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor and Council of the Borough of Middlesex does hereby authorize the application for such a grant; and

2. Recognizes and accepts that 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 Borough of Middlesex and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that Borough of Middlesex and the Department of Parks and Recreation recognize and accept that the Department of Community Affairs 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 Middlesex Department of Parks and Recreation and the New Jersey Department of Community Affairs, and

BE IT FURTHER RESOLVED, that the Mayor and/or Borough Administrator are authorized to sign the application, and that they or their successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith:

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 February 13, 2024.

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

Resolution #65-2024

AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S ON BLOCK 236, LOT 8

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 February 13, 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: 236 / 8

Amount: $1,078.13

Premium: $100.00

Certificate: 22-00003

Payable To: Xueliang Zhu
248 Brower Ct.
West New York, NJ 07093

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 February 13, 2024.

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

Resolution #66-2024

AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S ON BLOCK 256, LOT 6

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 February 13, 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: 256 / 6

Amount: $128.63

Premium: $0.00

Certificate: 22-00004

Payable To: Xueliang Zhu
248 Brower Ct.
West New York, NJ 07093

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 February 13, 2024.

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

Resolution #67-2024

APPROVING THE TEMPORARY DISCHARGE APPROVAL APPLICATION AT THE FACTORY LANE SITE TO BE SUBMITTED BY THE MCUA AT THE REQUEST OF NEW FIELDS, ON BEHALF OF BAYER CROP SCIENCE, INC.

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater; and

WHEREAS, at the recommendation of the Borough's Sewer Operator and the Governing Body it is recommended that the Conditions on this Temporary Discharge Approval be amended to read as follows:

1. Condition 1D shall be modified as follows:

MCUA reserves the right to modify the monitoring frequencies and discharge limitations set forth herein when necessary; to protect its collection system and/or treatment system, the public health and welfare and/or the environment; to satisfy any federal or state law, rule or regulation or any amendment thereof or supplement thereto or for other reasons as set forth in Section 5.17 of the MCUA's Rules and Regulations. No discharge shall occur during storm events, if specifically requested by the MCUA or the Borough of Middlesex prior to, or during such an event.

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. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer CropScience, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as amended above under "Conditions" Item 1D.

2. 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 February 13, 2024.

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

Resolution #68-2024

AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO SUBMIT THE RECYCLING ENHANCEMENT GRANT APPLICATION TO THE MIDDLESEX COUNTY DIVISION OF SOLID WASTE MANAGEMENT

WHEREAS, The County of Middlesex in continuing to recognize the importance of recycling and the role that the individual municipalities play in conjunction with the County towards achieving an exemplary recycling rate has proposed to provide grant monies to municipalities through the Recycling Enhancement Grant (REG) Program; and

WHEREAS, It is the intent of the REG Program to provide funds to qualifying municipalities to be used for a paper shred event to enhance a municipality's recycling program; and

WHEREAS, It appears to be in the best interest of the Borough of Middlesex and its citizens to apply for this grant; and

NOW THEREFORE, BE IT RESOLVED by the Governing Body of Middlesex Borough that the Superintendent of the Department of Public Works is hereby authorized to submit an application for consideration of a grant to the Middlesex County Division of Solid Waste Management.

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 February 13, 2024.

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

Resolution #69-2024

APPROVING THE REFUND OF $1875.00 FOR STREET OPENING PERMIT NO. 2022-008 TO AWT ENVIRONMENTAL, P.O. BOX 128, SAYREVILLE NJ

WHEREAS, AWT Environmental was issued a street opening permit on 6/15/2022; and

WHEREAS, AWT Environmental deposited $2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway, Factory Lane - ROW was inspected by Lenny Vidal, DPW Supervisor, and found to have been maintained in a satisfactory manner; and

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 $1875.00 in favor of AWT Environmental, P.O. BOX 128, Sayreville NJ 08872 for refund of Street Opening Permit No. 2022-008.

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 February 13, 2024.

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

Resolution #70-2024

APPROVING THE REFUND OF $1875.00 FOR STREET OPENING PERMIT NO. 2023-004 TO MARIO'S LANDSCAPING, 174 MOUNTAIN AVENUE, WARREN NJ

WHEREAS, Mario's Landscaping was issued a street opening permit on 4/11/2023; and

WHEREAS, Mario's Landscaping deposited $2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway 403 E Street was inspected by Lenny Vidal, DPW Supervisor, and Dan Niro Plumbing Inspector and found to have been maintained in a satisfactory manner; and

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 $1875.00 in favor of Mario's Landscaping, 174 Mountain Avenue, Warren NJ 07059 for refund of Street Opening Permit No. 2023-004.

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 February 13, 2024.

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

Resolution #71-2024

APPROVAL OF RENAMING THE PROPERTY FORMERLY KNOWN AS THE SAMPLING PLANT TO THE MOUNTAIN AVENUE FACILITY

WHEREAS, on January 23, 2024 the Governing Body discussed the renaming of the Sampling Plant Site on Mountain Avenue, and;

WHEREAS, the Environmental Protection Agency presented the 2023 National Federal Facility Excellence in Site Reuse Award to the Borough of Middlesex in a ceremony on October 11, 2023, and;

WHEREAS, this award was presented to the Borough to establish a partnership to implement redevelopment plans for the Middlesex Sampling Plant and adjacent property, and;

WHEREAS, the Sampling Plant Site was transferred to the Borough of Middlesex on October 11, 2023, and;

WHEREAS, the Borough is in the process of taking procession of the property at this time, and;

WHEREAS, the Governing Body wish to rename the Sampling Plant Site on Mountain Avenue, and;

NOW THEREFORE, be it resolved that the property formerly known as the Sampling Plant Site will be renamed the Mountain Avenue Facility.

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 February 13, 2024.

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

Resolution #72-2024

APPROVAL OF RENAMING THE PROPERTY FORMERLY KNOWN AS 302 UNION AVENUE TO THE VICTOR CROWELL ANNEX

WHEREAS, on January 23, 2024 the Governing Body discussed the renaming of 302 Union Avenue, and;

WHEREAS, the Governing Body purchased said property on June 15, 2023, and;

WHEREAS, the Governing Body wishes to rename 302 Union Avenue, and;

NOW THEREFORE, be it resolved that the property formerly known as 302 Union Avenue will henceforth be renamed the Victor Crowell Annex.

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 February 13, 2024.

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

Resolution #73-2024

HIRING CHELSEA HACKNEY AS A FULL TIME EMPLOYEE FOR THE POLICE DEPARTMENT AS A POLICE RECORDS CLERK EFFECTIVE FEBRUARY 20, 2024 AT AN ANNUAL SALARY OF $45,000

The governing body hereby hires Chelsea Hackney, as a full time employee for the Police Department as a Police Records Clerk effective February 20, 2024 at an annual salary of $45,000, pending a satisfactory background check.

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 February 13, 2024.

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

Resolution #74-2024

AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE ALONG WITH THE BALANCE OF THE INSPECTION FEE ESCROW ACCOUNT FOR BLOCK 141, LOT 11

WHEREAS, 403 E St LLC is a party for the construction of a landscaper building with office space on certain real property designated as Block 141 Lots 11 on the official tax map of the Borough of Middlesex, County of Middlesex, State of New Jersey (the "**Property**"); and

WHEREAS, the Contractor 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**"); and

WHEREAS, the Contractor has satisfactorily completed the construction of the Project in accordance with the terms and conditions outlined in the JLUB Resolution, as evidenced by the Developer obtaining a Certificate of Occupancy on January 19, 2024; and

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

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 Contractor, along with the balance of the inspection fee escrow account after payment of final inspection invoice.

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.

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 February 13, 2024.

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

Resolution #75-2024

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

WHEREAS, the Borough of Middlesex has determined that the property listed below is no longer needed for public use; and

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.

Item	Approximate Mileage	VIN/Identification #
2007 Dodge Caravan	78,440	1D4GP25E37B172857
2002 Chrysler PT Cruiser	14,718	3C4FY48B22T347562
2008 Ford Expedition	56,910	1FMFU16578LA56787
1995 Lee Boy Paver	NA	Serial #1131
1997 Toro Ride on Mower	3816.5/hrs	Serial #80861
2006 Toro Line Painter	NA	Serial #260000160
2001 Speed Trailer	NA	1K9BS08161K118194

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 February 13, 2024.

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

Resolution #76-2024

AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEES AND ESCROW FUNDS IN CONNECTION WITH JOINT LAND USE BOARD APPLICATION #2023-001

WHEREAS, Dream 700 South Ave, LLC was a party for the property designated as Block 267 Lots 4, 5, and 6 on the official tax map of the Borough of Middlesex, County of Middlesex, State of New Jersey (the "**Property**");

WHEREAS, the Contractor has applied for JLUB approval and has since withdrawn the application 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 Contractor has requested the return of previously posted escrow funds in connection with Joint Land Use Board application # 2023-001.

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

WHEREAS, given the application has been withdrawn for the Project, the Borough believes that it is in the best interest of the Borough to release and return the Performance Guarantees to Contractor.

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 Contractor, along with the balance of the inspection fee escrow account after payment of final inspection invoice.

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.

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 February 13, 2024.

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

Resolution #77-2024

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 February 13, 2024.

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

Resolution #78-2024

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 - Block 265, Lot 25, Personnel - Zoning and Creighton Lake; 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 February 13, 2024.