



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, February 27, 2024

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Mayor Jack Mikolajczyk
Council President Michael Conahan
Councilman Jeremiah Carnes
Councilman Robert Dessino
Councilman Kevin Dotey
Councilman Martin Quinn
Councilman Douglas Rex

Also Present:

Michael La Place Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

1. Police Department - Traffic Safety Campaign

Chief Geist gave the highlights of the 2022-2023 State Police Report, which included the number of Motor Vehicle crashes and fatalities within the Borough. He spoke about a new traffic safety campaign, stating the leading factors to creating this campaign.

Chief Geist spoke about the need for traffic enforcement. He presented the Council with his proposed plan to implement this enforcement through various platforms to educate the community and create an enforcement plan with the use of traffic safety officers and directive patrols.

APPOINTMENTS

PROCLAMATIONS

1. Middlesex Borough Police Department 85th Anniversary

WHEREAS, on February 1, 1939 the Borough of Middlesex adopted an Ordinance to establish the Middlesex Borough Police Department and abolish the Constable form of law enforcement. On February 16, the first full-time, paid police department was established with the appointment of a Chief of Police and one Police Officer; and

WHEREAS, the Middlesex Borough Police Department continues its growth as a modern, professional, and scientific law enforcement agency, which unceasingly provides a vital public safety and community service; and

WHEREAS, it is important that all citizens know and understand the challenges, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, for the past 85 years the dedicated members of the Middlesex Borough Police Department have and continue to play an essential role in safeguarding the rights and freedoms of the citizens of Middlesex Borough;

NOW, THEREFORE, I, John Mikolajczyk, Mayor of the Borough of Middlesex, State of New Jersey, along with the Middlesex Borough Council, and on behalf of the residents of Middlesex, wish to thank our police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to this community and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens, upholding the highest values and traditions of service.

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2113-24 by title:

ORDINANCE 2113-24

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

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

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

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

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

1. The Borough Council reserves the right to reject all bids.
2. The minimum bid the Borough will consider is \$450,000.00, plus the cost of recording the deed, and agrees that deeds shall be recorded by the purchaser.
3. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 265, Lot 25", and shall be submitted within twenty days after advertisement of sale required by N.J.S.A. 40A:12-13(a).
4. Potential Bidders are advised:
 - a. That the description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Middlesex as to the conditions of the property; the premises are being sold in their present conditions "as is."
 - b. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey, and the Borough of Middlesex.
 - c. That no employee, agent, or officer of the Borough of Middlesex has any authority to waive, modify, or amend any of the conditions of the sale.
 - d. That offers for the property must be made for a sum equal or greater to the minimum bid price of \$450,000.00
 - e. The property will be conveyed subject to all covenants, restrictions, reservations, and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.
5. Additional Terms the Successful Bidder must comply with:
 - a. Bidder shall deposit cash, check, or money order in the amount of not less than 10% of the bid price within 10 days of notice of acceptance of their bid. In the event a bidder fails to timely deposit 10% of the bid price, the Borough may re-auction the subject property.
 - b. The successful bidder shall pay at the time of closing: (1) The balance of the purchase price (2) The cost of recording deeds and agrees that deeds shall be recorded by the purchaser.

- c. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
 - d. To abide by appropriate zoning, subdivision, health, and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
 - e. That the failure to close title as agreed shall forfeit to the Borough any and all money deposited with the Borough.
 - f. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property.
 - g. That the title shall close on or before September 30, 2024. The Borough reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
 - h. The Borough reserves the right to withdraw the offer of sale and reject any and all bids.
 - i. All sales are subject to final approval by the Borough Council.
 - j. Parties interested in submitting bids and who require additional information, should contact Linda Chismar, Clerk, 1200 Mountain Avenue, Middlesex, N.J. 08846.
6. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.
7. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

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

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

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

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

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 3/12/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex	

Borough Clerk Linda Chismar read Ordinance 2114-24 by title:

ORDINANCE 2114-24

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$163,102.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5%, amounting to \$570,858.54 and that the CY 2024 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESULT:	FIRST READING [UNANIMOUS]	Next: 3/12/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex	

Borough Clerk Linda Chismar read Ordinance 2115-24 by title:

ORDINANCE 2115-24

AN ORDINANCE APPORTIONING THE RESPONSIBILITIES OF THE CULTURE AND HERITAGE COMMITTEE (CHAPTER 19) TO THE RECREATION COMMITTEE (CHAPTER 93) AND THE MIDDLESEX PUBLIC LIBRARY (CHAPTER 260)

WHEREAS, it is the desire of the Mayor and Council of the Borough of Middlesex to apportion the responsibilities currently assigned to the Culture and Heritage Committee (Chapter 19) to the Recreation (Chapter 93) and the Middlesex Public Library (Chapter 260); and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapters 19, 93, and 260 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey shall be amended as follows:

Section I:

Section 93-4 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The primary purpose of the Recreation Committee shall be to:

- A. Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.
- B. Provide recommendations to the Parks Improvement Committee for the orderly development of parks or other public lands in the Borough of Middlesex.
- C. Cooperate with the Middlesex County Department of Recreation in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County Recreation Department.
- D. Suggest improvements to the Parks Improvement Committee needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.
- E. Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.

- F. Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the Recreation Committee and the provisions of this chapter and subject to the limitations contained herein.
- G. **Engage and encourage the visual arts (including, but not limited to, sculpture, painting, drawing, architectural design, photography, motion pictures, and television), literary arts (including, but not limited to, the writing of prose, poetry, drama and choreograph), and performing arts (including, but not limited to, music, dance, poetry-reading, and theater).**

Section II:

Chapter 260 is hereby amended as follows (all provisions herein are novel and a new Article II shall be created):

Article II. Heritage Preservation

Section 260-6 Library Responsibility

It shall be the responsibility of the Middlesex Public Library to preserve and commemorate the culture, heritage, and history of the Borough of Middlesex.

Section 260-7 Collaboration

The Middlesex Public Library is encouraged to establish cooperative efforts to seek voluntary assistance from other sources of expertise consistent with its purpose.

Section 260-8 Grants

The Middlesex Public Library is encouraged to apply for and to accept grants and contributions under the auspices of and through the Borough of Middlesex from public and private sources to finance initiatives related to the preservation and commemoration of the culture, heritage, and history thereof.

Section III

Chapter 19 of the Municipal Code of the Borough of Middlesex is hereby repealed.

Section IV

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

Section V

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

Section VI

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

Councilman Carnes stated his displeasure on the introduction of this Ordinance. He expressed his concerns on the proceedings, and questioned if the code of conduct was violated. Councilman Carnes emphasized the importance of the public being able to speak about the Cultural Arts and Heritage Committee, the programs the Committee has offered and are planning to offer, and the dedication of the current members. The Councilman urged the Council to table the Ordinance to allow for more discussion.

Attorney Corsini discussed the process to introduce and adopt an Ordinance with the Council, and the topics the Council are permitted to discuss in closed session.

Mayor Mikolajczyk spoke about the steps taken that lead to the introduction of the Ordinance and the reasoning behind the disbandment of the Committee.

RESULT:	FIRST READING [5 TO 1]	Next: 3/12/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Dessino, Dotey, Quinn, Rex	
NAYS:	Carnes	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2112-24 by title:

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.

Mayor Mikolajczyk opened the Public Hearing on Ordinance 2112-24. Seeing that there was no public participation, Mayor Mikolajczyk closed the Public Hearing on Ordinance 2112-24.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

ADOPTION OF MINUTES

MAYOR'S REPORT

Mayor Mikolajczyk made the following comments:

I met with the Rescue Squad in an introductory meeting that was very constructive and I look forward to a continued relationship with them. They will be working on better responses to calls for the future.

The budget process is underway. We have met with several department so far, but are still a ways from completion.

Linda and Clare have been discussing and going through the proper steps to set up the Environmental Commission. Thank you for your efforts.

Mayor Mikolajczyk asked for a consensus to look into the structure/organization of the Construction Department with regard to construction and code enforcement.

A Consensus was obtained from a majority of the Council to move forward on looking into the structure/organization of the Construction Department with regard to construction and code enforcement.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- Thanks to DPW, led by Lenny Vidal, for another spectacular job plowing snow on Saturday, February 17th.
 - We are currently actively working through the budget process lead by our Business Administrator, Michael, and our CFO, Caroline. This just started with each department head and will continue through March and April.
 - I am working on a program to boost volunteerism throughout the Borough, with fellow volunteers, Barbara Benson and Lee Poandl. Barbara and Lee have truly been instrumental in getting this program formulated. We are planning to host a volunteer fair on Saturday, April 20th, in the Community Room. More to come in March.
 - We had our first shared service meeting scheduled with the BOE this morning, but it unfortunately got cancelled last minute. I'm waiting to hear from the BOE on new proposed dates.
 - Recreation is hosting the Annual Bunny Hop Saturday March 23rd from 10am-12pm in the back of MVP.
-

Councilman Carnes

Councilman Carnes made the following comments:

The News 12 segment on business within the Borough will be showcasing Ellery's, Raritan Ridge Indoor Golf, Rising Star Dance Studio and Dan and Marianna's.

Councilman Carnes requested to be removed from this project.

Councilman Dessino

Councilman Dessino made the following comments:

- JLUB's next meeting is cancelled.
 - The Baekeland Avenue business that has been giving residents problems seems to have moved.
 - Thank you to our DPW staff for the snow removal.
 - DPW is prepping for spring and clearing guard rails around town.
-

Councilman Dotey

Councilman Dotey made the following comments:

- The meeting with the Rescue Squad went well, they have new recruits coming in.
 - Highlights of the 2023 Yearly Court Report.
 - Highlights of the January 2024 Court Report.
 - Highlights of the January 2024 Police Report.
-

Councilman Quinn

No report was given.

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

1. We have completed the preliminary round of 2024 budget meetings with municipal departments. I would like to thank our Chief Financial Officer, Caroline Benson, and the entire Management Team for its hard work in developing a lean and sensible municipal budget.
 2. Regarding the recent snowstorms I would like to thank our Department of Public Works for keeping the roads clear and safe and the Middlesex Police Department for ticketing cars left parked in the streets.
 3. Council resolutions on the agenda this evening include ones to approve the 2024 HUD funding, approval to purchase fencing for Borough athletic fields, authorization to return the cash account to CP Middlesex Urban Renewal LLC and approval to transfer use of a surplus vehicle to the Fire Department for training purposes.
 4. Borough departments are working with the Middlesex Public Library Board and staff to accelerate the development of a Local History Room and Archives at the Library. Surplus furniture was removed from the designated Local History Room by the Department of Public Works.
 5. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, the proposed street lighting review has been completed by the New Jersey Department of Transportation (DOT). We are expecting to hear from our Municipal Engineer soon about the installation date for the new streetlights.
 6. The topic for discussion during the Agenda Workshop session this evening is Heather Lane and the residential properties impacted by serious erosion.
 7. Executive Session this evening: a discussion of two items, real estate located at 1190 Mountain Avenue, and Creighton Lake.
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PRIVILEGE OF THE FLOOR

Mayor Mikolajczyk opened the Privilege of the Floor for anyone wishing to comment.

Mark Kranz, 7 Park Place, expressed his displeasure with the ordinance to disband the Cultural Arts and Heritage Committee. He spoke about the different aspects of the Committee, the separate roles the Culture and Heritage play, and his concern that the current members will no longer be willing to volunteer within the Borough if the Committee is no longer active. Mr. Kranz questioned the process leading to this decision, urging the Council to reconsider.

Hardik Shah, 34 Marlborough Avenue, expressed his feelings on the Cultural Arts and Heritage Committee, emphasizing the need for such an entity to allow for residents to become a part of the community. He talked about the various events the Committee has hosted, including the Color and Flower Festival. Mr. Shah recommended the Council leave the Committee as is and just incorporate a joint effort with the Library and Recreation Department.

Mayor Mikolajczyk requested that Mr. Kranz provide him with a list of the items the Committee is currently working on, the items they would like to plan in the future and a complete listing of whom he believes are current members of the Committee.

Dave Polakiewicz, 240 Hazelwood Avenue, thanked the Council for providing the bill list prior to the meeting. Mr. Polakiewicz asked for clarification on several items on the bill list.

Frank Ryan, 303 Maple Street, asked what the Borough's responsibility is in regard to the business that moved on Baekeland Avenue and whether precautions will be placed in order to avoid a similar business from operating at that location in the future. Mr. Ryan recommended that the Biondi's be considered for recognition in the mayors new Pillars of the Community program.

Seeing that there were no further public comments, Mayor Mikolajczyk closed the public portion of the meeting.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 79-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the January 2024 Tax Totals.
2. Acceptance of the January 2024 Municipal Court Report.
3. Acceptance of the January 2024 Police Report.
4. Acceptance of Christopher Paul Hess to the Middlesex Fire Department

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 80-2024

APPROVAL OF THE 2024 HUD FUNDS

The following items have been approved by the Housing and Community Development Committee to be submitted to the Middlesex County Housing & Community Development for approval for the use of the 2024 Grant Funds:

Senior Coordinator Salary	\$10,000
Senior Van Driver	\$9,205
Code Enforcement	\$10,575
Nutritional Program	\$6,500

TOTAL	\$63,854
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BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 82-2024

**APPROVING THE RETURN OF THE CASH ACCOUNT TO CP MIDDLESEX URBAN
RENEWAL LLC FOR BLOCK 318, LOTS 1.01 & 1.02**

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

WHEREAS, the Redeveloper obtained Preliminary & Final Major Site Plan Approval for the construction of the Project and in connection therewith posted with the Borough certain inspection fees, safety guarantees, and other cash accounts (collectively, “**Cash Accounts**”);

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

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

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

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

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 83-2024

**APPROVING THE TRANSFER OF THE 2011 FORD CROWN VICTORIA FROM
SURPLUS TO THE FIRE DEPARTMENT FOR TRAINING**

WHEREAS, Authorization to declare the 2011 Ford Crown Vic, Vin #2FABP7BV1BX109271 as surplus was approved at the November 22, 2022 Borough Council meeting; and

WHEREAS, the Fire Department wishes to obtain said vehicle for extraction training; and

WHEREAS, The Governing Body hereby approves the transfer of the 2011 Ford Crown Vic, Vin #2FABP7BV1BX109271 to the Fire Department for extrication training, effective immediately.

NON-CONSENT AGENDA/RESOLUTIONS

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 84-2024

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.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn, Rex
ABSTAIN:	Carnes

AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion

Superintendent of Public Works reported that they have all the material to begin this project, but they are presently waiting on the weather to cooperate.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Mayor Mikolajczyk opened the public portion of the meeting on Agenda Workshop Items. Seeing that there was no public participation, Mayor Mikolajczyk closed the public portion of the meeting on Agenda Workshop Items.

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 85-2024

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 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

Real Estate - 1190 Mountain Ave.

Creighton Lake

ADJOURNMENT

The next Regular Meeting will be March 12, 2024

Respectfully yours,

Linda Chismar, RMC
Borough Clerk