



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, March 26, 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 Robert Dessino
Councilman Kevin Dotey
Councilman Martin Quinn
Councilman Douglas Rex

Councilman Jeremiah Carnes -- **Absent**

Also Present:

Michael La Place Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

1. Appointment of the 2024 Environmental Commission

Mayor Mikolajczyk appointed the following members to the Environmental Commission for 2024:

ENVIRONMENTAL COMMISSION

Clare Levourne	3-year	12/31/26
Mike Schneider	3-year	12/31/26
Holly Muller	2-year	12/31/25
Greg Cosentino	2-year	12/31/25
Steve Ember	1-year	12/31/24
Gina Salgado	1-year	12/31/24

Councilman Dessino (JLUB)
Patti Clark (Alternate 1)

1-year
2-year

12/31/24
12/31/25

2. Appointment of Rich Hendrzak as Alternate II to the Parks Improvement Committee

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2116-24 by title:

ORDINANCE 2116-24

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2071-22 ADOPTED ON OCTOBER 25, 2022, PROVIDING FOR THE ACQUISITION OF AND IMPROVEMENTS TO REAL PROPERTY FOR MUNICIPAL PURPOSES FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO REDUCE THE APPROPRIATION TO \$425,000 FROM THE ORIGINAL APPROPRIATION OF \$1,300,000, AND INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$185,313.97 FOR A TOTAL DEBT AUTHORIZATION OF \$385,313.97, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2071-22 on October 25, 2022 (the "Prior Ordinance") providing for the acquisition of and improvements to real property for municipal purposes and related expenses for the Borough; and

WHEREAS, it has been determined that the amount appropriated by the Prior Ordinance must be reduced and the authorization of the bonds and notes by the Prior Ordinance must be increased; and

WHEREAS, it has been determined that the grant funds in the amount of the \$1,060,313.97 from the American Rescue Plan appropriated by the Prior Ordinance is no longer needed for this project.

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

Section 1.

The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes

described in Section 3, there is hereby appropriated the sum of \$425,000 representing a reduction of \$875,000 from the \$1,300,000 appropriated by the Prior Ordinance, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$39,686.03 as the amount of down payment previously appropriated by the Prior Ordinance required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq (the "Local Bond Law").

Section 2.

In order to finance the costs of said improvements or purposes, \$185,313.97 negotiable bonds are hereby authorized to be issued in addition to the \$200,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$385,313.97 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

(a) The improvements hereby authorized to be undertaken consist of the acquisition of and improvements to real property for municipal purposes, located at 1190 Mountain Avenue in the Borough and identified as Block 219, Lot 1 on the Borough Tax Map, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$385,313.97 including the \$185,313.97 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$425,000, which is equal to the amount of the \$185,313.97 supplemental appropriation herein made therefor and the \$239,686.03 appropriation made by the Prior Ordinance.

Section 4.

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

Section 5.

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

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$185,313.97 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

Section 6.

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

Section 7.

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

Section 8.

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

Section 9.

All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/9/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Dessino, Dotey, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2117-24 by title:

ORDINANCE 2117-24

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2104-23 ADOPTED ON DECEMBER 19, 2023, PROVIDING FOR DESIGN AND PERMITTING IN CONNECTION WITH THE MOUNTAINVIEW PARK PROJECT FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO AMEND THE PURPOSE THEREOF, INCREASE THE APPROPRIATION THEREFOR BY \$2,015,000 FOR A TOTAL APPROPRIATION OF \$2,200,000 INCLUDING THE APPROPRIATION OF VARIOUS GRANTS, INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$208,418.03 FOR A TOTAL DEBT AUTHORIZATION OF \$384,168.03, AND INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2104-23 on December 19, 2023 (the "Prior Ordinance") providing for the design and permitting in connection with the Mountainview Park Project, together with all purposes necessary, incidental or apparent thereto; and

WHEREAS, it has been determined that the project description set forth in Section 3. (a) of the Prior Ordinance needs to be amended; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and the bonds and notes authorized by the Prior Ordinance; and

WHEREAS, the Borough has determined that the \$185,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$145,000 to an aggregate amount of \$330,000.

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

Section 1.

The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,200,000 of which \$185,000 was appropriated by the Prior Ordinance, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$9,250 as the amount of down payment previously appropriated by the Prior Ordinance required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and the sum of \$1,060,313.97 in grant funds received from the American Rescue Plan ("ARP Grant"), the sum of \$667,268 in grant funds expected to be received from a Middlesex County Recreation Grant ("Middlesex Grant") and the sum of \$79,000 in grant funds expected to be received from a DCA 2023 Recreation Improvement Grant ("DCA Grant", and together with the ARP Grant and the Middlesex Grant, "Grant Funds"), which Grant Funds are appropriated hereby.

Section 2.

In order to finance the costs of said improvements or purposes not provided for by application hereunder of said down payment and Grant Funds, \$208,418.03 negotiable bonds are hereby authorized to be issued in addition to the \$175,750 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$384,168.03 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

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

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$384,168.03 including the \$208,418.03 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,200,000, which is equal to the amount of the \$2,015,000 supplemental appropriation herein made therefor and the \$185,000 appropriation made by the Prior Ordinance.

Section 4.

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

Section 5.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$208,418.03 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$330,000, including \$145,000 authorized hereby and \$185,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

Section 6.

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

Section 7.

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

Section 8.

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

Section 9.

All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/9/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Dessino, Dotey, Quinn, Rex	
ABSENT:	Carnes	

Borough Clerk Linda Chismar read Ordinance 2118-24 by title:

ORDINANCE 2118-24

AN ORDINANCE AMENDING CHAPTER 19 (CULTURE AND HERITAGE COMMITTEE) AND CHAPTER 260 (LIBRARY) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX

WHEREAS, it is the desire of the Mayor and Council of the Borough of Middlesex to amend Chapter 19 (Culture and Heritage Committee) and Chapter 260 (Library) of the municipal code of the Borough of Middlesex; 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 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 19-1 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

There is hereby established a Cultural and ~~Heritage~~ **Arts** Committee which shall promote cultural engagement, ~~historical education and preservation~~, **and** the advancement of the creative arts in the Borough of Middlesex. The term "Committee," when used by itself in this chapter, shall refer to the Borough of Middlesex Culture and ~~Heritage~~ **Arts** Committee.

SECTION II.

Section 19-2 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The Committee shall consist of ~~11~~ **seven (7)** members **and two (2) alternates**; from among residents and community leaders. Members **and alternates** shall be appointed by the Mayor with the advice and consent of the Borough Council. Members shall be appointed for a term of three years, and all appointments shall expire on December 31. The initial appointment terms will be staggered and shall be made for the balance of the one-, two- or three-year term designated, ending on December 31 of the applicable year in order to prevent all ~~11~~

seven (7) members' terms from expiring at the same time. Initial appointments will contain three one-year terms, four two-year terms and four three-year terms. In the event of a vacancy prior to the expiration of a member's term, the Mayor shall appoint, with advice and consent of the Council, a replacement to fill the remaining portion of the unexpired term.

SECTION III.

Section 19-4 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. The duties of the Committee shall consist of engaging and encouraging cultural historic and artistic engagement, events and all related activities. These duties may include, but shall not be limited to, the advancement of the following:
 - (1) Visual arts, including, but not limited to, sculpture, painting, drawing, architectural design, photography, motion pictures, and television.
 - (2) Literary arts, including, but not limited to, the writing of prose, poetry, drama and choreography.
 - (3) Performing arts, including, but not limited to, music, dance, poetry-reading, and theater.
 - (4) The collection and display of art objects.
 - ~~(5) The preservation or commemoration of the culture and history of the Borough of Middlesex.~~
 - (5) Other activities which the Committee defines as advancing the creativity or culture in the Borough of Middlesex.**
- B. The Committee shall advise the Mayor and the Borough Council on ways and means for the encouragement of creative talent within the Borough of Middlesex ~~for the preservation of the history and heritage of the Borough,~~ and for the recognition of persons who have made outstanding contributions to the development, expansion, or preservation of culture ~~and history~~ in Middlesex, whether such person is or is not an artist.
- C. The Committee is encouraged to establish cooperative efforts to seek voluntary assistance from other sources of expertise consistent with its purpose, **including an anticipated collaboration with the Middlesex Borough Department of Recreation.**
- D. The Committee shall be authorized and 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 its initiatives. The Committee shall make no expenditure or commitment of Borough funds without the specific authorization of the Council, except that the Mayor, to the extent of staff availability, may authorize administrative staff support for grant applications and publicity. This includes but is not limited to matching funds for grants, donations, and the like.
- E. The Borough shall set up a dedication by rider account for the Committee to:
 - (1) Deposit monies obtained from donations, grants or from budget appropriations set annually by the Borough through the budgeting process, specifically for the Cultural and ~~Heritage~~ **Arts** Committee.

- (2) Pay bills associated with events run by the Cultural and Heritage Arts Committee.
- F. All events and estimated expenditures must be approved by resolution of the governing body prior to the scheduling of any event.
- G. A financial report detailing year-to-date deposits and expenditures will be provided to the Committee Chairman prior to the first meeting of each month.
- H. **The Committee shall comply with all requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and shall be required to record minutes of each meeting thereof, with said minutes to be transmitted to the Borough Council and the Department of Recreation within seven (7) days of approval.**

SECTION IV.

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, **in collaboration with other Borough stakeholders,** 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 V.

Chapter 19 of the Municipal Code of the Borough of Middlesex is hereby retitled "CULTURE AND ARTS COMMITTEE."

SECTION VI.

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

SECTION VII.

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 VIII.

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

A motion was made by Council President Conahan to amend the Ordinance in Section 260-6 Library Responsibility seconded by Councilman Dessino and carried by a unanimous vote of Council.

RESULT:	FIRST READING [UNANIMOUS]	Next: 4/9/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Dessino, Dotey, Quinn, Rex	
ABSENT:	Carnes	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the March 12, 2024 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Mikolajczyk made the following comments:

- The ordinance making changes to the Cultural Arts and Heritage covers everything discussed at the previous hearing, with the exception of instead of being labeled as Fine Arts it shall be Arts, and the committee will consist of 7 members and 2 alternates.
- The Environmental is now active.
- The Governing body will discuss the topic of zoning-sale of firearms during the workshop.
- The Fireman's Carnival starts April 22nd.
- Lenny posted signs stating that there is now additional parking at the Victor Crowell Annex.
- Channel 12 will be doing the Main Street Middlesex segment starting at 5am.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- I want to thank our entire Recreation Dept., lead by Melissa DeMarino, for an excellent Bunny Hop Event this past Saturday. What made it unique was the almost 3 inches of rain that I thought for sure would have kept everyone home, but the Bunny Hop was packed! We had a great turnout considering the weather and that it was moved inside at the Rec Center and Community Room. Thanks to all the volunteers that helped make this event a huge success.
- Next Rec event is our annual Memorial Day Parade which will be on Monday, May 27th, starting at 10am in Victor Crowell Park.
- If you have not received the Volunteer Fair mailer already, you will over the next day or two. Please plan to attend our first Volunteer Fair on Saturday, April 20th from 10-2pm in the Library Community Room. Middlesex Borough is facing a critical shortage of Volunteers. The Volunteer Fair is designed to attract volunteers, promote community engagement and highlight essential services that enhance the safety, welfare and quality of life of our residents. Thank you very much Barbara Benson and Lee Poandl for spearheading this campaign.
- The Library historical collection project group met this past Friday and here are some highlights:
 - Chrissy George updated the group on the status of the History room, including the conference table being removed, plus more items being removed like the white board and cabinets.
 - All historical documents and information have been scanned. Also, photos from both of the Middlesex books have been scanned. All scanning should be completed by the end of April. The history room should be completed by the end of this summer.
 - Members reviewed pictures of potential furniture and other furnishings.
 - Members discussed other items like chairs, tables, a computer, color themes, as well as access to the room for our residents. Other details still need to be discussed as well.
 - The group's next meeting will be in late April.
- The entire Governing Body received an email today at 2:30pm from our CFO Caroline, which includes the 2024 preliminary budget draft. All documentation is attached in Caroline's email, so please review everything by 4pm on Friday, April 5th and let Caroline know if you have any questions whatsoever. We will then be introducing the budget at the April 9th Council meeting. Thank you.
- Lastly, happy one year anniversary to Administrator La Place.

Councilman Carnes

Councilman Carnes was absent.

Councilman Dessino

Councilman Dessino made the following comments:

- JLUB met on March 13th and 2 applications were approved. Tomorrow's meeting is cancelled.
- DPW is currently doing spring preparation work.
- The Borough does not collect recycling.
- The water leak at the Parks garage is now fixed.

Councilman Dotey

Councilman Dotey made the following comments:

- Shade Tree spring plan is waiting on the budget.
- A resident was fined for the removal of a tree illegally.
- Claire will be growing trees, some of which will be helping the Shade Tree Commission.
- Highlights of the February Police Report.
- Highlights of the February Court Report.

Councilman Quinn

Councilman Quinn made the following comments:

- The Board of Health met March 14th.
 - The Director of the Nursing Program gave an in-depth presentation at the meeting. Information received from that program will go out with the next tax bill.
 - Patricia gave her report, which has a new format.
 - The Board of Health is looking into 5 DEP Air Quality complaints.
 - The next Board of Health meeting will be on April 11th at the Recreation Center.
-

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

1. I would like to take this opportunity to applaud the exciting reboot of the Middlesex Borough Environmental Commission and to thank the new members for volunteering to serve in such an important capacity. I look forward to working with the Commission.
 2. The Department of Public Works (DPW) is busy with early Spring beautification and maintenance projects throughout the Borough. New trees are being planted to replace ones that have died or were removed last year and general clean-up of the parks is under way. At Victor Crowell Park, the DPW is power washing the lake access ramps and boardwalk areas. A contractor will be repairing and painting trim on the Annex building. And signs have recently been installed to inform visitors of overflow parking availability at the Annex site.
 3. Next week, I will be distributing a draft Request for Proposal (RFP) for review by the Council and the Parks Improvement Committee. This RFP is for selecting a professional planning and engineering firm to work with the community on a master plan for Victor Crowell Park and the Annex site.
 4. Borough Clerk Linda Chismar has been working hard to put together the next issue of the Borough's newsletter. The May 1st edition of the newsletter will be posted on the municipal website and printed copies will be available at Borough Hall, the Recreation and Seniors Center and the Library.
 5. Council resolutions on the agenda this evening include ones to award the contract for the 2023 Road Improvement Project which includes Douglass Lane, Rutgers Lane and Princeton Drive, to authorize extension of the Borough's Joint Insurance Fund coverage to the Friends of the Middlesex Public Library and to authorize the Borough to execute a contract addendum with the Middlesex Presbyterian Church, amending the purchase price to \$350,000.
 6. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, our Municipal Engineer has reported to me that the installation of the new vintage style streetlights is expected to begin soon. Staff will continue to make this a priority.
 7. The topics for discussion during the Agenda Workshop session this evening include Zoning for Firearms Sales and the Heather Lane area erosion.
 8. Executive Session this evening will involve a discussion of two items: real estate located at 1190 Mountain Avenue and Creighton Lake.
-

PRIVILEGE OF THE FLOOR

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

Connie Gauthier discussed her concerns over other municipalities allowing firearm sales near schools and urged the Council to take action to prevent such a facility.

Dave Polakiewicz, 240 Hazelwood Avenue, asked the council about the addendum to the Presbyterian Church Property and the environmental contamination of the property. He questioned why the Governing Body is not abandoning the project, and what the estimated cost of cleanup would be. Mr. Polakiewicz expressed concerns over the involvement of recreation and senior residents using the space. He also asked if the former Foreign Express property has a gas tank on it, as well as inquired about an item on the bill list.

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, Dessino, Dotey, Quinn, Rex
ABSENT:	Carnes

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 100-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the February, 2024 Police Report.
2. Acceptance of the February, 2024 Court Report.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 101-2024

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE SENIOR CITIZEN/DISABLED PERSON/VETERAN TAX DEDUCTIONS

WHEREAS, certain Senior Citizens/Veterans were the owners of property in the Borough of Middlesex for the year 2023, and

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

WHEREAS, both the Senior deduction and Veteran deduction were applied to the property many years prior, and

WHEREAS, there was some confusion with the recorded Deed and ownership, and

WHEREAS, both deductions were removed in error, and

THEREFORE, the Tax Collector is authorized to reapply the Senior Citizen and Veteran deduction for the 2024 year totaling \$500.00

Name: Smith, James L & Janet A
Block/Lot: 336.01 / 5
Amount: \$250.00 Veteran
Amount: \$250.00 Senior
Year: 2024

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 102-2024

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE VETERAN TAX DEDUCTIONS**

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

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

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

Name: Penrose, Claude
Block/Lot: 245 / 6
Amount: \$250.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 103-2024

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTIONS ON
BLOCK 283 LOT 18**

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 March 26, 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: 283 / 18

Amount: \$29,958.30

Premium: \$7,000.00

Certificate: 22-00005

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 104-2024

CANCELLING IMPROVEMENT AUTHORIZATION FOR THE 2019 CAPITAL IMPROVEMENTS

WHEREAS, there was an improvement authorization that was funded by the authorization of debt, for 2019 Various Capital Improvements, and;

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

THEREFORE BE IT RESOLVED, that the balance of the improvement authorization for the 2019 Various Capital Improvements be cancelled and the unexpended balance reduce the amount of Deferred Charges Unfunded.

Ordinance #1979-19
Ordinance Adoption 10/22/2019
Date:
Original Amount \$1,258,553.00
Authorized:
Total Cancellation: \$322,967.13

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 105-2024

APPROVAL OF THE 2024 TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to providing temporary appropriations sufficient to cover commitments made during the period of January 1, 2024 to the date of adoption of the annual budget and no adequate provision has been made in the 2024 temporary appropriations to cover such commitments, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose of covering such commitments; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$13,911,020.77 for the Current Fund Budget, \$150,000.00 for the Swimming Pool Utility Budget;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all of the members thereof affirmatively concurring) in accordance with the provisions of N.J.S.A.

	Salaries & Wages	Other Expenses
Appropriations		
Current Fund		
General Government		
Administrator	\$69,000.00	\$21,500.00
Mayor & Council	\$4,800.00	\$1,700.00
Municipal Clerk	\$100,000.00	\$4,000.00
Printing & Advertising	\$0.00	\$3,000.00
Postage	\$0.00	\$8,000.00
Purchasing Agent	\$0.00	\$0.00
Finance Administration	\$83,000.00	\$23,000.00
Computer Services	\$0.00	\$80,000.00
Collection of Taxes	\$62,000.00	\$4,000.00
Assessment of Taxes	\$16,000.00	\$0.00
Legal Services	\$0.00	\$89,000.00
Engineering Services	\$0.00	\$29,000.00
Environmental Services	\$0.00	\$5,000.00
Joint Land Use Board	\$1,500.00	\$5,000.00
Code Enforcement	\$37,000.00	\$5,000.00
CRS Floodplain	\$0.00	\$7,500.00
Liability Insurance	\$0.00	\$0.00
Worker's Comp Insurance	\$0.00	\$0.00

Group Insurance	\$0.00	\$1,325,000.00
Temp Disability Insurance	\$0.00	\$10,000.00
Longterm Disability Insur	\$0.00	\$5,000.00
Health Benefit Waiver	\$0.00	\$22,000.00
Public Safety		
Police	\$2,000,000.00	\$162,000.00
Juvenile	\$660.00	\$0.00
Emergency Management	\$0.00	\$5,000.00
Fire Department	\$0.00	\$70,000.00
Fire Hydrants	\$0.00	\$95,000.00
Prosecutor	\$0.00	\$5,000.00
Public Works		
Streets & Roads	\$300,000.00	\$56,000.00
Shade Tree	\$950.00	\$18,000.00
Solid Waste	\$104,000.00	\$0.00
Garbage	\$181,000.00	\$14,000.00
Building & Grounds	\$10,500.00	\$40,000.00
Rescue Squad Rental	\$0.00	\$5,100.00
Sewers	\$67,000.00	\$8,000.00
Stormwater Management	\$0.00	\$0.00
Health & Human Services		
Board of Health	\$0.00	\$26,000.00
Animal Control	\$0.00	\$15,000.00
Parks & Recreations		
Recreation	\$38,000.00	\$7,000.00
Celebration of Public Events	\$0.00	\$12,000.00
Parks & Playgrounds	\$257,000.00	\$15,000.00
Sr Citizen Bus Transportation	\$7,000.00	\$0.00
Sr Nutrition	\$8,000.00	\$0.00
Title III	\$17,000.00	\$0.00
Medical Transportation	\$6,000.00	\$0.00
Sr Citizen Coordinator	\$36,000.00	\$10,000.00
Older Americans Grant	\$0.00	\$0.00
Beautification Committee	\$0.00	\$500.00
Housing & Comm Develop	\$0.00	\$0.00
Utility Expenses		
Electricity	\$0.00	\$92,000.00
Street Lighting	\$0.00	\$77,000.00
Telephone	\$0.00	\$27,000.00
Water	\$0.00	\$15,000.00
Natural Gas	\$0.00	\$7,000.00
Fuel Oil (Diesel)	\$0.00	\$5,000.00
Gasoline	\$0.00	\$15,000.00

Other Operating

Landfill	\$0.00	\$200,000.00
Construction	\$94,000.00	\$0.00
Judgement	\$0.00	\$20,000.00
Municipal Court	\$102,000.00	\$4,500.00
Public Defender	\$0.00	\$4,000.00
Library	\$0.00	\$305,000.00
Utility Authority	\$0.00	\$605,000.00
Piscataway Sewer	\$0.00	\$45,000.00
Curbside Recycling	\$0.00	\$130,000.00

Statutory Expenses

Social Security	\$0.00	\$175,000.00
DCRP CoMatch	\$0.00	\$4,000.00
Contingent	\$0.00	\$0.00
PERS	\$0.00	\$521,586.00
PFRS	\$0.00	\$1,279,058.00

Municipal Debt Service

Bond Principal	\$0.00	\$0.00
Bond Interest	\$0.00	\$0.00
BAN Principal	\$0.00	\$110,000.00
BAN Interest	\$0.00	\$75,140.00
Green Acres Loan	\$0.00	\$0.00
Infrastructure Loan	\$0.00	\$0.00
MCIA Loan	\$0.00	\$0.00

TOTAL CURRENT FUND	\$3,602,410.00	\$5,927,584.00
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Swim Pool Utility

Operating Appropriations	\$40,000.00	\$30,000.00
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TOTAL SWIM POOL	\$40,000.00	\$30,000.00
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Salaries & Wages**Other Expenses****Appropriations****Current Fund****General Government**

Administrator	\$37,000.00	\$10,000.00
Mayor & Council	\$2,000.00	\$1,500.00
Municipal Clerk	\$40,000.00	\$0.00
Printing & Advertising	\$0.00	\$0.00
Postage	\$0.00	\$5,000.00
Purchasing Agent	\$0.00	\$0.00

Finance Administration	\$40,000.00	\$10,000.00
Computer Services	\$0.00	\$75,000.00
Collection of Taxes	\$25,000.00	\$0.00
Assessment of Taxes	\$5,000.00	\$2,000.00
Legal Services	\$0.00	\$40,000.00
Engineering Services	\$0.00	\$10,000.00
Environmental Services	\$0.00	\$0.00
Joint Land Use Board	\$0.00	\$0.00
Code Enforcement	\$12,000.00	\$0.00
CRS Floodplain	\$0.00	\$2,500.00
Liability Insurance	\$0.00	\$0.00
Worker's Comp Insurance	\$0.00	\$0.00
Group Insurance	\$0.00	\$880,000.00
Temp Disability Insurance	\$0.00	\$3,000.00
Longterm Disability Insur	\$0.00	\$0.00
Health Benefit Waiver	\$0.00	\$10,000.00
Public Safety		
Police	\$875,000.00	\$25,000.00
Juvenile	\$0.00	\$0.00
Emergency Management	\$0.00	\$5,000.00
Fire Department	\$0.00	\$50,000.00
Fire Hydrants	\$0.00	\$35,000.00
Prosecutor	\$0.00	\$5,000.00
Public Works		
Streets & Roads	\$200,000.00	\$20,000.00
Shade Tree	\$1,000.00	\$10,000.00
Solid Waste	\$30,000.00	\$0.00
Garbage	\$75,000.00	\$5,000.00
Building & Grounds	\$10,000.00	\$20,000.00
Rescue Squad Rental	\$0.00	\$2,000.00
Multi Family Solid Waste	\$0.00	\$0.00
Sewers	\$55,000.00	\$0.00
Stormwater Management	\$0.00	\$0.00
Health & Human Services		
Board of Health	\$0.00	\$20,000.00
Animal Control	\$0.00	\$13,000.00

Parks & Recreations

Recreation	\$20,000.00	\$9,000.00
Celebration of Public Events	\$0.00	\$5,000.00
Parks & Playgrounds	\$80,000.00	\$0.00
Sr Citizen Bus Transportation	\$0.00	\$0.00
Sr Nutrition	\$2,500.00	\$0.00
Title III	\$10,000.00	\$0.00
Medical Transportation	\$10,000.00	\$0.00
Sr Citizen Coordinator	\$20,000.00	\$7,500.00
Older Americans Grant	\$500.00	\$0.00
Beautification	\$0.00	\$0.00
Committee		
Housing & Comm Develop	\$0.00	\$0.00
Utility Expenses		
Electricity	\$0.00	\$50,000.00
Street Lighting	\$0.00	\$40,000.00
Telephone	\$0.00	\$20,000.00
Water	\$0.00	\$5,000.00
Natural Gas	\$0.00	\$0.00
Fuel Oil (Diesel)	\$0.00	\$0.00
Gasoline	\$0.00	\$25,000.00
Other Operating		
Landfill	\$0.00	\$100,000.00
Construction	\$40,000.00	\$0.00
Municipal Court	\$50,000.00	\$2,500.00
Public Defender	\$0.00	\$0.00
Library	\$0.00	\$140,000.00
Utility Authority	\$0.00	\$300,000.00
Piscataway Sewer	\$0.00	\$50,000.00
Curbside Recycling	\$0.00	\$80,000.00
Statutory Expenses		
Social Security	\$0.00	\$75,000.00
DCRP CoMatch	\$0.00	\$0.00
Contingent	\$0.00	\$0.00
PERS	\$0.00	\$564,592.00
PFRS	\$0.00	\$1,143,014.00
Municipal Debt Service		
Bond Principal	\$0.00	\$0.00
Bond Interest	\$0.00	\$0.00

BAN Principal	\$0.00	\$200,000.00
BAN Interest	\$0.00	\$369,590.50
Infrastructure Loan	\$0.00	\$0.00
TOTAL CURRENT FUND	\$1,640,000.00	\$4,445,196.50
Swim Pool Utility		
Operating	\$20,000.00	\$30,000.00
Appropriations		
TOTAL SWIM POOL	\$20,000.00	\$30,000.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 106-2024

AWARDING THE CONTRACT FOR THE 2023 ROAD PROJECT – DOUGLASS LANE, RUTGERS LANE, & PRINCETON DRIVE TO P & A CONSTRUCTION INC. IN THE AMOUNT OF \$423,895.00

WHEREAS, the Borough of Middlesex Administration and Borough Engineer have determined that there is a need for the acquisition of the following goods and services: 2023 Road Project - Douglass Lane, Rutgers Lane, & Princeton Drive; and

WHEREAS, a notice of advertisement for sealed bids and invitation to bid for the 2023 Road Project - Douglass Lane, Rutgers Lane, & Princeton Drive were prepared and advertised in accordance with the Local Public Contracts Law, Executive Order 107, and Local Finance Notice 2020-10; and

WHEREAS, fourteen (14) sealed bids were received on February 16, 2024, and opened publicly and read out loud at 1200 Mountain Avenue, Middlesex, NJ, for the 2023 Road Project - Douglass Lane, Rutgers Lane, & Princeton Drive; and

WHEREAS, listed below are bids received for said project:

- 1) American Asphalt & Trucking LLC. \$406,068.02
Newark, NJ
- 2) P&A Construction Inc. \$423,895.00
Colonia, NJ
- 3) Top Line Construction Crop \$434,789.27
Somerville, NJ
- 4) DLS Contracting \$436,412.50
Fairfield, NJ

5)	DeSantis Construction Inc. Somerset, NJ	\$443,455.40
6)	Black Rock Enterprises LLC Old Bridge, NJ	\$447,800.29
7)	Stilo Excavation Inc. South Plainfield, NJ	\$450,619.63
8)	Fisher Contracting Inc. Scotch Plains, NJ	\$451,423.96
9)	AJM Contractors, Inc Clifton, NJ	\$488,749.30
10)	Z Brothers Sayreville, NJ	\$533,363.52
11)	Lucas Brothers Inc. Morganville, NJ	\$533,535.00
12)	Reivax Contracting Corp. Flemington, NJ	\$583,317.05
13)	Capital Paving & Contracting LLC Annandale, NJ	\$585,065.82
14)	Diamond Construction Brick, NJ	\$674,135.85

WHEREAS, pursuant to New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough of Middlesex may award contracts for public work only to the lowest responsible bidder; and

WHEREAS, a bidder is “responsible” if it is able to complete the contract in accordance with its requirements; and

WHEREAS, the Borough Council may disqualify a bidder who would otherwise be determined to be the lowest bidder, if the Borough Council finds it has prior negative experience with the bidder; and

WHEREAS, negative prior experience includes, but is not limited to, the bidder being debarred or suspended from contracting by the State of New Jersey, or the bidder has failed to perform the services contracted for, or failed to complete the contract in a timely manner, or otherwise performed unsatisfactorily; and

WHEREAS, the New Jersey Department of Labor, pursuant to the Prevailing Wage Act, N.J.S.A. 34:11- 56.37 and -56.38, has debarred and suspended American Asphalt and Milling Services, LLC (“AAM”) and its owner, Hugo Ortiz, from receiving public works contracts; and

WHEREAS, N.J.S.A. 34:11-56.38 of the Prevailing Wage Act therefor prohibits the award of a public contracts to AAM and Hugo Ortiz, and any firm in which they have an interest; and

WHEREAS, Mike Ortiz has submitted a bid on behalf of American Asphalt & Trucking, LLC for the Borough's 2023 NJDOT State Aid: Douglas Lane, Rutgers Lane & Princeton Drive Roads Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby finds that the N.J. Department of Labor has debarred and suspended American Asphalt and Milling Services, LLC, and Hugo Ortiz from receiving public works contracts; and

BE IT FURTHER RESOLVED that the Borough Council disqualifies AAM and Hugo Ortiz from receiving public works contracts for a period to coincide with AAM's debarment by the N.J. Department of Labor; and

BE IT FURTHER RESOLVED that the Borough Council finds that AAM and Hugo Ortiz have an interest in American Asphalt & Trucking, LLC because, but not limited to:

- 1) both firms have nearly identical names and perform the same work in the same geographical area;
- 2) both firms employ the same people, specifically Hugo Ortiz and Mike Ortiz who prepared the bids for both companies;
- 3) both firms utilize the same information and related resources;
- 4) both firms utilize the same subcontractors; and
- 5) both firms rely on substantially the same work experience.

BE IT FURTHER RESOLVED that the Borough Council disqualifies AAT from receiving public works contracts for a period to coincide with AAM's debarment by the N.J. Department of Labor.

BE IT FURTHER RESOLVED, the Borough Engineer, Colliers Engineering & Design, recommends awarding the bid to P & A Construction Inc, the next lowest responsive, responsible bidder, in the total bid amount of \$423,895.00, contingent upon the Borough Attorney's review and availability of funds for this project; and

BE IT FURTHER RESOLVED, the Borough Attorney has reviewed the bid proposal package of the next lowest responsible bidder, declares it to be in conformance with the Borough Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to P & A Construction Inc., as the lowest responsive, responsible bidder; and

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

1. At the recommendation of the Borough Engineer and Borough Attorney, the Mayor and governing body hereby awards the contract for the 2023 Road Project - Douglass Lane, Rutgers Lane, & Princeton Drive to P & A Construction Inc. as the next lowest responsive, responsible bidder in the amount of \$423,895.00.

2. The Mayor and Borough Clerk are hereby authorized to execute the Borough standard form of Contract for Goods and Services referenced herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.
3. The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Borough Engineer, Borough Attorney, and P & A Construction Inc.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies funds are available as follows:

2023 Capital - Road Construction. Account Number C-04-23-095-000-086

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 107-2024

**AUTHORIZING THE APPLICATION TO THE NJ CLEAN ENERGY PROGRAM
COMMUNITY ENERGY PLANNING GRANT PROGRAM**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Middlesex Borough strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, Middlesex Borough is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help Middlesex Borough to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

THEREFORE, the Governing Body of the Borough of Middlesex has determined that Middlesex Borough should apply for the aforementioned Community Energy Planning Grant program; and

THEREFORE, Middlesex Borough will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 108-2024

**AUTHORING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S ON
BLOCK 313 LOT 33**

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 March 26, 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):

<u>Date of Sale:</u>	11/16/2023
<u>Block/Lot:</u>	313 / 33
<u>Amount:</u>	\$6,536.03
<u>Premium:</u>	\$14,000.00
<u>Certificate:</u>	22-00007
<u>Payable To:</u>	Pro Cap 8 FBO Firsttrust Bank P.O. Box 774 Fort Washington, PA 19034-0774

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 110-2024

**AUTHORIZING EXTENDING THE BOROUGH'S JOINT INSURANCE FUND COVERAGE
TO THE FRIENDS OF THE MIDDLESEX LIBRARY**

WHEREAS, the Friends of the Middlesex Borough Library is a non-profit that supports the efforts of the Middlesex Borough Library;

WHEREAS, upon consultation with the Borough's risk manager, it has been determined that insurance coverage can be extended to cover this non-profit entity at minimal cost to the Borough;

WHEREAS, pursuant to policies of the Municipal Excess Liability (MEL) Joint Insurance Fund (JIF), a resolution of support must be approved by the Borough Council to initiate this coverage; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that the Mayor and Borough Clerk are hereby sponsor and support the inclusion of the Friends of the Middlesex Borough Library under its existing policy with the Municipal Excess Liability Joint Insurance Fund.

BE IT FURTHER RESOLVED that this resolution is intended to satisfy the requirement of Addendum 1 of the Quasi Entity General Application as promulgated by the MEL.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to take whatever action is necessary to effectuate the purpose hereof.

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 111-2024

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

AGENDA WORKSHOP ITEM

1. Zoning - Firearm Sales Dealers

Attorney Corsini was instructed to proceed with looking into preventative measures for the Borough to restrict locations of firearm sales within the Borough.

2. Heather Lane Property Erosion

- The weather is halting progress.
- The Borough submitted an application for the Resilient Grant, if approved DPW will work on a more permanent repair, rather than a temporary fix.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Mayor Mikolajczyk opened the Privilege of the Floor on Agenda Workshop Items. Seeing that there was no Public Participation, Mayor Mikolajczyk closed the Privilege of the Floor on Agenda Workshop Items.

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 112-2024**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 & 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, Dessino, Dotey, Quinn, Rex
ABSENT:	Carnes

Real Estate - 1190 Mountain Ave.

Creighton Lake

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 109-2024

**AUTHORIZING THE BOROUGH OF MIDDLESEX TO EXECUTE A CONTRACT
ADDENDUM (SECOND ADDENDUM) WITH THE MIDDLESEX PRESBYTERIAN
CHURCH TO AMEND THE PURCHASE PRICE TO \$350,000 - *Item Removed from
Consent***

WHEREAS, the Borough Council of the Borough of Middlesex authorized a contract for potential acquisition of the property known as 1190 Mountain Avenue, Middlesex, NJ 08846 currently owned by the Middlesex Presbyterian Church pursuant to Resolution #283-2022; and

WHEREAS, as First Addendum to said contract was authorized pursuant to Resolution No. 196-2023;

WHEREAS, the Borough seeks to execute a Second Addendum to reduce the contract price to \$350,000, in light of the environmental contamination found on the site as determined by the Borough's Phase Two environmental examination and consistent with the Presbyterian Church's communication to the Borough's attorney on or about February 16, 2024;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute the Second Addendum to Contract of Sale between the Borough of Middlesex and the Middlesex Presbyterian Church as attached hereto.

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

ADJOURNMENT

The next Regular Meeting will be April 9, 2024

Respectfully yours,

Linda Chismar, RMC
Borough Clerk