



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, May 14, 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 Awards

Chief Geist gave a background on National Police Week, and expressed his appreciation for all the hard work his staff exhibit on a daily basis and the support of the Governing body, and residents given to the department.

A moment of silence was observed for all active Police Officers, military and retired Officers.
Chief Geist presented the following awards:

Exceptional Service Award - Officer Bryan Rodrigues

Awarded for actions taken on March 20, 2024 where officer Rodrigues located, gave continuous foot pursuit, and apprehended a burglary and theft suspect. Officer Rodrigues accomplished this bringing public acclaim to himself and the law enforcement profession as a result of his training and relentless

devotion to duty in the pursuit of justice.

Unit Citation Award - Sergeant Daniel McCue & Officer Christian Dunlin

Awarded for actions taken on March 20, 2024, where the officers worked with Officer Rodrigues in a distinguished team effort, showing initiative and accomplishment in the protection of life and property while locating, pursuing, and apprehending a burglary and theft suspect who resisted arrest and detention.

Honorable Service Award - Detective Scott Mulford

Awarded for action taken during an investigation completed between 2023-2024 that displayed a credible or meritorious act in the line of duty which is unusual in nature, showing initiative and perseverance in the protection of victims and the pursuit of justice.

Certificate of Commendation - Sergeant Jeffrey Del Buono (Dunellen Police Department)

Awarded for swift action taken on March 20, 2024 in support of Officer Rodrigues and the Middlesex Borough Police Department that displayed dedication, commitment and service through initiative and experience in the pursuit of justice.

Certificate of Commendation - Captain Craig Comisky

Awarded to Captain Comisky in recognition of his dedication, commitment and service to the public through twenty-nine years of continual readiness for duty.

Mayor Mikolajczyk expressed his support of the Police Department.

APPOINTMENTS

PROCLAMATIONS

1. National Police Week

WHEREAS, Congress and the President of the United States have designated May 15, 2024 as “**Peace Officers’ Memorial Day**” and the week in which it falls as “**National Police Week**”; and

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Middlesex Borough Police Department; and

WHEREAS, the members of our law enforcement agency of Middlesex Borough play an essential role in safeguarding the rights and freedoms of our citizens, merchants and visitors; and

WHEREAS, it is important for all citizens to know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and

property, by protecting against violence and disorder, and by protecting the innocent against deception and the weak against oppression and exploitation; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 36th Annual Candlelight Vigil on the evening of May 13, 2024;

NOW, THEREFORE, I, Jack Mikolajczyk, Mayor of the Borough of Middlesex, call upon our citizens and all patriotic, civic, and educational organizations to observe the week of May 12-18, 2024 as **NATIONAL POLICE WEEK** recognizing all law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

I further call upon all citizens to observe May 15, 2024 as "**Peace Officers' Memorial Day**" to honor our law enforcement officers who have made the ultimate sacrifice in service to their community or have been disabled in the performance of their duties, and let us recognize and pay respect to the survivors of our fallen heroes.

Councilman Dotey read the Proclamation for National Police Week.

2. Older Americans Month 2024

WHEREAS, May is Older Americans Month, a time for us to recognize and honor Middlesex Borough's older adults and their immense influence on every facet of American society; and

WHEREAS, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

WHEREAS, older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, Middlesex Borough must ensure that older Americans have the resources and support needed to stay involved in their communities - reflecting our commitment to inclusivity and connectedness; and

NOW THEREFORE, I, Jack Mikolajczyk, Mayor of the Borough of Middlesex, do hereby proclaim May 2024 as Older Americans Month. This year's theme, "Powered by Connection," emphasizes the profound impact of meaningful interactions and social connection on the well-being and health of older adults in our community.

NOW THEREFORE BE IT FURTHER RESOLVED, I call upon all residents to join me in recognizing the contributions of our older citizens and promoting programs and activities that foster connection, inclusion, and support for older adults.

Councilman Carnes read the Proclamation for Older Americans Month 2024.

BUDGET HEARING

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 139-2024

ADOPTION OF THE 2024 BUDGET

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$23,492,897.66	for Municipal Purposes
\$ 775,334.25	Minimum Library Tax

Current Fund:

SUMMARY OF REVENUES

Surplus	\$925,000.00
Anticipated	
Miscellaneous Revenues Anticipated	\$6,557,442.73
Receipts from Delinquent Taxes	\$600,000.00
Amount to be Raised by Taxation	
for Municipal Purposes	\$15,410,454.93
Amount to be Raised by Taxation	
Minimum Library Tax	\$775,334.25
Total	\$24,268,231.91
Revenues	

SUMMARY OF APPROPRIATIONS

General Appropriations within
"CAPS"

Operations Including Contingent	\$17,193,066.00
Deferred Charges & Statutory	\$0.00
Expenditures	

General Appropriations Excluded from "CAPS"

Operations	\$3,755,455.90
Capital Improvements	\$150,000.00
Municipal Debt Service	\$2,286,075.77
Deferred Charges -	\$108,634.24
Municipal	
Judgements	\$0.00
Reserve for Uncollected	\$775,000.00
Taxes	

Total Appropriations **\$24,268,231.91**

Swim Pool**Utility:**

SUMMARY OF REVENUES

Surplus	\$73,010.00
Anticipated	
Rents (Memberships)	\$316,600.00
Miscellaneous	\$103,400.00

Total **\$493,010.00**
Revenues

SUMMARY OF APPROPRIATIONS

Operations	\$395,217.00
Debt Service	\$78,528.00
Statutory	\$19,265.00
Expenses	

Total Appropriations**\$493,010.00**

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 14th day of May 2024. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2024 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Mayor Mikolajczyk opened the Public Portion on the Budget for anyone wishing to comment.

Dave Polakiewicz, 240 Hazelwood Avenue, questioned the budget process and asked what goals were given to the CFO and Administrator during the department head budget meetings. He expressed his concerns over the 7% increase, emphasizing the need to lower future budgets and questioned why there was a 0% increase for two years if the budget was so dire. Mr. Polakiewicz asked if the Council has discussed the School's increase and questioned the reasoning behind it.

Mayor Mikolajczyk explained the budget process and the goals that were given to staff.

CFO Benson explained some of the larger expenses within the Budget.

Administrator La Place expressed the need to not to relate each department with the others stating that they are not comparable.

Seeing that there were no further comments, Mayor Mikolajczyk closed the Public Portion on the Budget.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn, Rex
NAYS:	Carnes

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2119-24 by title:

ORDINANCE 2119-24**AN ORDINANCE VACATING A PORTION OF FACTORY LANE**

WHEREAS, a certain portion of Factory Lane was previously determined to be needed for public use and a 40 foot wide public right-of-way was dedicated at DB 1271, Page 217 and DB 1424, Page 456; and

WHEREAS, a certain portion of Factory Lane is no longer needed for public use; and

WHEREAS, the portion of Factory Lane to be vacated is more particularly described herein; and

WHEREAS, the portion of Factory Lane to be vacated now encumbers part of Lot 2 in Block 351,

WHEREAS, the owners of the aforesaid lots have requested the Mayor and Council of the Borough of Middlesex to vacate the rights of the public in and to that portion of the public right-of way aforesaid which crosses Lot 2 in Block 351;

WHEREAS, the Mayor and Counsel of the Borough of Middlesex have reviewed the request for a vacation of a portion of the public right-of-way aforesaid and have determined that the portion of the public right-of-way which traverses the stated lots is no longer needed for public use and the public rights in and to the aforesaid public right-of-way can be vacated.

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

1. The Code of the Borough of Middlesex pertaining to the dedication of streets and roads is hereby amended to vacate and abandon the public right-of-way in and to that portion of a certain public right-of-way traversing Lot 2 in Block 351 as shown on the tax maps of the Borough of Middlesex.
2. The area of the public right-of-way to be vacated and abandoned is described in accordance with the sketch and metes and bounds description of the same prepared by Michael T. Armstrong, P.L.S., New Jersey License # 35820, dated June 21, 2021 and more particularly described. A copy of this Sketch and Description are attached hereto and made a part hereof.
3. All rights and privileges presently possessed by public utilities, as defined in N.J.S. 48:213 and by any cable television company, as defined in the Cable Television Act, N.J.S. 48:5A-1, et seq., are expressly reserved and excepted from the vacation of that portion of the public right-of-way there are no easements passing over, under or through the portion of Factory Lane so described, all in accordance with N.J.S. 40:67-1b.
4. A notice of Intention to vacate a portion of the public right-of-way aforesaid and to adopt an ordinance to effect such street vacation shall be published in the official newspaper of the Borough of Middlesex and mailed notice given to all persons whose lands would be affected by the passage of such Ordinance, of the time, date and place of public hearing on the consideration of this street vacation ordinance, within the time provided by N.J.S. 40:49-6.
5. This Ordinance shall take effect immediately upon final passage and publication according to law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 5/28/2024 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 2120-24 by title:

ORDINANCE 2120-24

**AN ORDINANCE AMENDING CHAPTER 395 OF THE MUNICIPAL CODE TITLED
"TREES"**

WHEREAS, the existing Chapter 395 titled "Trees" requires amendment to comply with updated New Jersey Department of Environmental Protection regulations; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Middlesex desires to amend Chapter 395 of the Municipal Code, titled "Trees"; and

NOW, BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 395 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey titled "Trees" is hereby amended pursuant to the provisions hereof, with deletions indicated ~~thusly~~, and additions indicated thusly:

Section I

Chapter 395-9 (Definitions) is hereby amended as follows:

As used in this article, the following terms shall have the following definitions:

~~DIAMETER AT POINT OF MEASURE (DPM) – The diameter (caliper) of a tree at a point on the tree 54 inches above the actual ground level.~~ **DIAMETER AT BREAST HEIGHT (DBH) - The diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.**

Section II

Chapter 395-10 (Applicability) is hereby amended as follows:

- A. ~~The terms and provisions of this article shall apply to real property in all cases of vacant lots upon which new construction will take place and or cases of demolition of existing principal structures. Nothing contained herein is intended to restrict a property owner's rights to remove trees on his own property where no building permit for a new or replacement principal structure is sought.~~
- BA.** Unless specifically exempted herein, it shall be unlawful for any person to remove or cause to be removed any tree, ~~under the circumstances set forth in Subsection A above,~~ with the trunk diameter of four inches or more ~~DPM~~ **DBH** (54 inches above

- the actual ground level) without first having obtained a tree removal project permit to do so as provided herein. Tree removal project permits shall be issued by the Enforcement Officer and/or his/her designee.
- C. ~~Notwithstanding Subsections A and B above, trees removed from a property within six months prior to an application for a building permit for a new or replacement principal structure shall be subject to the provisions of this article.~~

Section III

Chapter 395-13 (Tree removal project permit application) is hereby amended as follows:

- A. Contents of tree removal project permit application:
- (1) The name and address of the owner of the land.
 - (2) Description of the land in question including block and lot numbers of the land as shown on the current tax map of the Borough of Middlesex.
 - (3) The purpose or reason for removing the tree(s).
 - (4) The quantity, caliper, size and species of the tree(s) to be removed. In the case of the removal of trees with a ~~DPM~~ **DBH** greater than 24 inches, the plan shall include an analysis of design or layout alternatives.
 - (5) The proposed dates for commencement and completion of the project.
 - (6) Name and address of the person having express charge, supervision, and/or control of the proposed removal.
 - (7) A tree replacement plan, as set forth in § 395-15 of this article.
 - (8) A statement granting permission to Borough officials or their employees to enter the premises to survey and inspect the project as work progresses.
 - (9) A tree replacement plan that includes location, quantity, caliper size and species of tree(s) to be replanted.

Section IV

Chapter 395-15 (Tree replacement plan) is hereby amended as follows:

- G. All specific plans for replacement of removed trees shall be based on the following requirements:
- (1) The replacement tree shall be planted on the property where the trees were removed or in a location designated by the Enforcement Official.
 - (2) Replacement trees, including the size and number of trees, shall be planted in accordance with the following table.

Diameter of Tree Removed (inches dbh DBH)	Number of 2 1/2 Inch Caliper Trees to be Provided	Number of 4-Inch Caliper Trees to be Provided
8 4 to 15 inches	4	2
16 to 24 inches	6	3
25 to 36 inches	8	5
37 inches and over	15	8

Section V

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

Section VI

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 VII

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

This ordinance was moved to the Workshop Agenda for discussion.

RESULT:	WITHDRAWN
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Borough Clerk Linda Chismar read Ordinance 2121-24 by title:

ORDINANCE 2121-24**AN ORDINANCE AMENDING CHAPTER 367 (SWIMMING POOL, MUNICIPAL) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CLARIFY CERTAIN PROVISIONS THEREOF**

WHEREAS, it is the desire of the Mayor and Council of the Borough of Middlesex to amend Chapter 367 (Swimming Pools, Municipal) of the municipal code of the Borough of Middlesex to clarify certain provisions thereof; 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 Chapter 367 of the municipal code shall be amended as follows:

Section I:

Section 367-2 ("Membership") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. There shall be five types of membership:
 - (1) Family membership, which shall include:
 - (a) Both parents/legal guardians or either of them.
 - (b) All children of such parents who are residing with them, until the age of 26.
 - (2) Individual membership, which shall be available to any person who shall have reached the age of 14 years.
 - (3) Senior citizen membership, which shall be available to any person who shall have reached the age of 62 years **by May 31st of the applicable year.**

- (4) Single parent and one child, which **shall be available to the** parent/**legal guardian** ~~shall have that has~~ legal custody of the child.
- (5) Couples membership, which shall be available to two adults residing at the same residence.
- B. Membership qualifications; guests.
 - (1) Membership shall normally be restricted to residents of the Borough of Middlesex. However, if the Commission determines that, as of May 1 of any year, the number of resident members is not sufficient to meet the projected financial obligations from projected revenue for that year, the Commission may accept applications for membership from nonresidents.
- C. Proper identification shall be issued to all members and guests and shall be required for admission to the pool.
- D. Membership shall not be transferable, and neither membership cards nor any other identification shall be used except by the persons for whom issued.
- E. Nonmembers may be admitted to the pool for instructional purposes by arrangement of the Board or Manager.
- F. Membership shall not exceed 1,000, excluding senior memberships, in number based upon consideration of capacity, safety, convenience and enjoyment. In computing the total of 1,000 memberships, an individual membership shall be counted as 1/2 rather than one toward the total number of memberships allowed. The Board shall maintain a waiting list and fill all applications for membership strictly in order of receipt.
- G. The Board is empowered to revoke or suspend membership in the event of members permitting unauthorized persons to use their membership cards or other identity or for furnishing false or misleading information on membership applications.

Section II:

Chapter 367-3 ("Fees and Charges") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Fees and charges shall be as follows:

- A. Schedule of fees.
 - (1) Residential family membership: ~~\$280~~ **310** per season if paid after April 15 of each year and ~~\$260~~ **295** if paid prior thereto.
 - (2) Resident individual membership: ~~\$195~~ **215** per season if paid after April 15 of each year and ~~\$175~~ **205** if paid prior thereto.
 - (3) Resident senior citizen membership: ~~\$50~~ **60** per season if paid after April 15 of each year and ~~\$45~~ **55** if paid prior thereto.
 - (4) Nonresident family membership: ~~\$400~~ **430** per season if paid after May 15 of each year and ~~\$370~~ **415** if paid prior thereto.
 - (5) Nonresident individual membership: ~~\$255~~ **275** per season if paid after May 15 of each year and ~~\$235~~ **265** if paid prior thereto.

- (6) Nonresident senior citizen membership: ~~\$80~~ **90** per season if paid after April 15 of each year and ~~\$75~~ **85** if paid prior thereto.
 - (7) Resident couple membership or resident parent/one child membership: ~~\$235~~ **265** per season if paid after April 15 of each year and ~~\$245~~ **250** if paid prior thereto.
 - (8) Nonresident couple membership or nonresident parent/one child membership: ~~\$325~~ **355** per season if after May 15 of each year and ~~\$300~~ **340** if paid prior thereto.
- B. All fees shall be paid by the first day of full-time operation each year.
- C. Fees for pool activities not otherwise covered in this chapter shall be determined by a 4/7 vote of the Board of Commissioners.
- D. No refunds will be given after the Monday of Memorial Day weekend. Membership refunds will be given prior to Memorial Day Monday if there is a waiting list for memberships or by a majority Swim Pool Commission vote (4/7) on a case-by-case basis for other reasons.
- E. The Swim Pool Commission has the authority to increase the membership fees by no more than 10% per year with the stipulations that the rates are not raised more than 30% over the next five years.
- F. Resident and nonresident family membership may include, for an additional fee of \$50 **75** per season, ~~one "nanny"~~ or nonfamily childcare provider membership. **This nonfamily membership cannot be used as a single membership.**

Section III:

Chapter 367-5 ("General rules and regulations; Replacement of passes") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. No person in the pool area shall:
- a. Willfully mark, disfigure, damage or remove any items of property or equipment belonging to the pool area, or any signs or notices.
 - b. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
 - c. Dispose of litter, paper or debris except in designated trash receptacles.
 - d. Consume food or beverages except within designated areas.
 - e. Park vehicles except in designated places.
 - f. Have in his possession or consume any alcoholic beverage of any kind whatsoever. **Failure to comply with this provision shall result in penalties pursuant to Chapter 121 of the Borough's municipal code.**
 - g. Engage in gambling activities.
 - h. Bring any pets or animals on the premises.
 - i. Park or deposit bicycles except in bicycle stalls.
 - j. Use or park baby carriages or strollers except in designated areas. **Baby carriages are not permitted to be parked on the pool deck.**
 - k. Engage in wrestling, running, ball playing or similar activities within the pool grounds.

- l. Smoke on pool grounds.
 - m. Engage in rough or rowdy contact or use profane or abusive language affecting the safety, comfort and enjoyment of other persons.
 - n. Enter any pool offices or equipment building without authorization.
 - o. Disobey any posted signs or notices.
- B. Replacement of passes.
 - a. To reissue a new individual pass, a fee of \$5 will be charged.

Section IV:

Chapter 367-5 ("General rules and regulations; Replacement of passes") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

No person shall:

- A. Appear in bathing costume which does not conform to commonly accepted standards.
- B. Permit infants who are not toilet-trained to be within bathing places or areas without protected diapers.
- C. Dress or undress except in dressing rooms provided for that purpose.
- D. Enter the pool area if he has contagious or infectious disease or condition of any nature.
- E. Dive from lifeguard stands or from the shoulders of another person or practice diving stunts, except in the designated area or, if under the age of 15, if he has not passed the prescribed pool test.
- F. Enter the pool unless a lifeguard is on duty.
- G. Swim in the area reserved for diving.
- H. Take any toys or swimming equipment whatsoever in the main pool.
- I. Use the wading pool unless under six years of age.
- J. Use any metal or rigid plastic toys in the wading pool.
- K. Permit children or guests of a member to be left unattended in the pool complex.
- L. Converse with or distract in any manner any lifeguard on duty.
- M. Expose or offer for sale any articles or things or advertise in any manner any article or service, except when permitted by the pool manager.
- N. Permit children under ~~40~~ **12** years of age, or between the age of ~~40~~ **12** and 14, if they have not passed the prescribed swimming proficiency test, to enter the pool area unaccompanied by a member over the age of 14.
- O. Be permitted to bring a guest to the pool unless the member is ~~44~~ **15** years of age or older; or the guest is 21 years of age or older. The member and the guest over 21 who brings a child to the pool must remain at the pool with the child and be responsible for the conduct and safety of the child. If a guest is asked to leave the premises for any pool violations, no refunds will be given and the member must leave with the guest. There are no refunds for daily admissions.

Section V

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

Section VI

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 VII

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 5/28/2024 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 2122-24 by title:

ORDINANCE 2122-24

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 332, SEWERS, SECTION 332-43C SEWER USE CHARGE - RATES

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

SECTION I

Section 332-43C shall be amended to read as follows:

§ 332-43C Rates

C. Rates

Item	Charge
Flow	As per Subsection C(4)(a) below
BOD	\$194.43 per ton
SS	\$277.57 per ton
C1	\$105.01 per hundred weights

(1) The rates established herein shall adjust automatically to reflect any increases in the annual charges by the MCUA to its rates.

(2) The quantities to be used for the billing shall be as follows:

- (a) BOD: 200 mg/1.
- (b) SS: 280 mg/1.
- (c) C1: four mg/1.

(3) Industries that produce high quantities of BOD and SS shall be required to sample their waste to determine what BOD, SS and chlorine (C1) should be used for their billing.

(4) Unless actual metered wastewater discharge is available, sewer user charges hereunder shall be based upon the water flow for the immediately preceding year. The first 100,000 gallons of wastewater discharge per annum for all users shall not be subject to the service charge hereunder, except that any user that exceeds ~~120,000~~ **100,000** gallons of wastewater discharge in any calendar year shall be subject to the sewer charge hereunder for all waste water discharge. All users which discharge more than ~~120,000~~ **100,000** gallons of domestic sanitary wastewater per annum, in addition to the prevailing MCUA rates applicable to non-residential users for BOD, SS and CI, shall be charged a service charge for flow as follows:

(a) Service charge for flow.

Tier:	Gallons/Year	Rate Per Gallon (100s)
I	1-120,000 100,000	N/A
II	100,001 - 1,000,000	0.699
III	1,000,001 - 5,000,000	0.510
IV	5,000,001 - 20,000,000	0.475
V	20,000,001 +	0.400

(b) Except as provided in § 332-41, as may be amended, all structures or properties which discharge more than ~~120,000~~ **100,000** gallons of domestic sanitary wastewater per annum shall be charged the rates charged by the Middlesex County Utilities Authority for BOD, SS and CI, above, and a service charge for flow categorized as Subsection C(4)(a), above, for the flow amount exceeding ~~120,000~~ **100,000** gallons per annum.

This ordinance shall take effect upon final adoption and publication as required by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 5/28/2024 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 2123-24 by title:

ORDINANCE 2123-24

AN ORDINANCE AMENDING CHAPTER 320 OF THE MUNICIPAL CODE TITLED "REGISTRATION, LANDLORD"

WHEREAS, the existing Chapter 320 titled "Registration, Landlord" requires amendment to function more effectively; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Middlesex desires to amend Chapter 320 of the Municipal Code, titled "Registration, Landlord"; and

NOW, BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 320 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey titled "Registration, Landlord" is hereby amended pursuant to the provisions hereof, with deletions indicated ~~thusly~~, and additions indicated thusly:

Section I

Section 320 is hereby amended as follows:

§ 320-1 Registration and inspection application.

- A. An annual registration application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and inspected as provided herein. Every owner shall file with the Code Enforcement Director or his/her designee a registration application for each individual unit contained within a dwelling available or offered for rent or currently rented for each yearly cycle as outlined in this chapter. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering as provided herein, including any renewals, amendments, or updates, without any further notice from the Borough
- B. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration application and Borough-issued registration certificate.
- C. Upon the filing of a completed registration application, payment of the prescribed fee, and, if deemed necessary as outlined below, contingent upon a satisfactory inspection, the Borough shall issue a license permitting occupancy. Upon issuance of a license, the Borough shall deem the rental unit as "registered." Once registered, the owner shall be entitled to offer such unit(s) for rent, or continue to offer such unit(s) for rent until the following annual rental registration and inspection yearly renewal cycle as detailed in § 320-1G. All rental units must nevertheless be registered yearly and inspected once per every three yearly renewal cycles in accordance with this chapter. No rental unit shall thereafter be rented unless the rental unit is registered and inspected in accordance with this chapter. Each rental unit must be registered, and no person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit, which is not registered
- D. Every person required to file a registration application pursuant to this chapter shall file an amended registration application within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership or tenancy of the premises is changed as detailed in Chapter 158. In the event of a change in

ownership or tenancy, a re-rent/re-sale application and inspection must take place as detailed in Chapter 158.

- E. When a registration and inspection application is submitted, the Borough of Middlesex Zoning and Construction Office will ~~determine whether the unit has been inspected within the last three yearly renewal cycles and, if not, provide notice to the owner of the rental unit to schedule an inspection.~~ The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection. **In the event that a new tenancy has not occurred within the past three years, then the Borough of Middlesex Zoning and Construction Office will provide notice to the owner of the rental unit to schedule an inspection.**
- F. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit which is not registered.
- G. The registration of a rental unit shall remain valid ~~until the 30th of June closest in future temporal proximity to the Borough's issuance of a license to the owner. For example, if registration occurs on the 31st of May, it shall be valid until the 30th of June of~~ **for** that same calendar year . Upon expiration of a rental unit's registration, the owner shall be required to re-register as outlined in this chapter for each yearly renewal cycle. Renewal applications shall be due by ~~the 15th of June~~ **31st of January** of each year **beginning in 2025**, and upon prompt payment and, subject to any necessary inspections as outlined by this chapter, a registration certificate shall be issued.

The 2024 Due Date shall be August 31, 2024, and violations/fines for 2024 will be assessed for each dwelling unit pursuant to the following schedule:

- a. September 1, 2024 - \$500**
- b. October 1, 2024 - \$1,000**
- c. November 1, 2024 - \$2,000**

- H. Proof of rental property liability insurance must be provided as part of the registration.**
- I. Violations/fines for noncompliance in accordance with Section 320-4.c shall be issued for each dwelling unit beginning on February 1 of each calendar year starting in 2025.**
- J. The Borough shall send notice of the need for registration and payment to all existing registered rental units by October 31st of each year.**

§ 320-2 Periodic inspections.

The Borough shall conduct inspections on all units available for rent and/or currently being rented on a three-year cycle. Every three years, upon the mailing of least 10 days' advanced notice from the Borough, the owner shall make the rental unit available for inspection for the

purpose of determining Zoning Ordinance compliance, compliance with the Borough's Property Maintenance Code as outlined in Chapter 317, compliance with the State Housing Code and the provisions adopted in Chapter 436, and, to the extent applicable, to determine if the property complies with the Uniform Construction Code, BOCA Property Maintenance Code, Housing Code and/or Building Code, and the Uniform Fire Safety Act, or any other applicable codes, laws, regulations and/or ordinances. Failure to make the rental unit available for inspection shall be considered a violation of this chapter. Upon determining compliance, and upon the receipt of any necessary fees, the Code Enforcement Director or their designee shall cause to be issued a registration certificate. In the event the unit is not due for an inspection for the current yearly renewal cycle, a certificate shall be issued upon receipt of the annual registration application and fee. Notwithstanding the provisions of this Section, periodic inspections may be required in the discretion of the Code Enforcement Director upon notice to the owner if the Code Enforcement Director has been made aware of any complaints that, if substantiated, would put the owner in violation of this chapter or any of the aforesaid applicable codes, laws, regulations, or ordinances.

§ 320-3 Fees.

A. Fees shall be as follows:

- (1) The annual registration fee shall be \$150 per unit per yearly renewal cycle and shall be due upon the filing of the registration application. This annual registration and inspection fee shall aid the Borough's costs incurred for determining the condition of rental facilities, ensuring compliance with applicable codes and laws, and safeguarding the health, safety, and welfare of any occupant.

~~B. In the event a rental unit is not registered as provided herein or the owner has not paid the registration fee by the due date as outlined above for the yearly renewal cycle within 30 days of its due date, a late fee surcharge of \$10 per dwelling unit per month will be assessed for each calendar month or any part thereof following the due date of such fee.~~

§ 320-4 Violations and penalties.

- A. In the event the Code Enforcement Director determines that an inspection is necessary pursuant to this chapter and/or that the inspection(s) of a rental unit indicate the need for maintenance and/or repairs, such property shall not thereafter be registered, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s), laws, regulations and/or ordinances and the property is thereafter subsequently reinspected, approved and registered. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within 30 days and, if not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 320-4C of this chapter.
- B. A property shall not be considered registered unless all municipal taxes,

water and sewer charges and any other municipal assessments are paid on a current basis.

- C. Any person who violates any of the provisions of this ordinance, in addition to any other penalty that may be assessed, shall, upon conviction thereof, pay a fine, per dwelling unit, of not less than \$500, up to \$2,000, for the first offense; not less than \$1,000, up to \$2,000, for the second offense; and not less than \$2,000, up to \$5,000, for the third ~~or~~ and all subsequent offensess.

Section II

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

Section III

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 IV

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

This ordinance was introduced as amended to reflect the removal of "or upon the occupancy by a new tenant, whichever occurs earlier, and" from Section 320-2.

RESULT:	FIRST READING [UNANIMOUS]	Next: 5/28/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

MAYOR'S REPORT

Mayor Mikolajczyk made the following comments:

- The Police held their Police Week ceremony this morning, which was attended by Mayor Emeritus Madden.
- The Environmental Commission finished the Tree Farm, which has about 300 trees, a sign will be put up shortly.
- A debrief on the Carnival will happen in the next few weeks.
- The Budget was well done.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- Congratulations to all of our Police Officers and command staff that were recognized tonight. Thank you very much.
- A very big thank you to Captain Craig Cominsky whose persistence and tenacity was responsible for Conrail and the D.O.T. finally fixing and repairing the Cedar Ave Railroad Crossing. Thank you Craig!
- At our next on May 28th, we will be presenting our next "Pillar of Middlesex" to Ed Johnson.
- Congratulations to our OEM, who added four new volunteer members.
- A big thank you to our Borough Clerk, Linda, for coordinating with all our Department Heads and P.R. Firm to produce the Spring Newsletter - it came out great!
- Another big thank you to long time resident and Fireman, Rob Pollara, who donated 2 Sea Box storage containers to the Middlesex High School Athletics Department to replace 2 very old and rusted containers that sit next to the Football Field Bleachers.
- I attended the monthly Library Board of Trustees meeting last night and some highlights include: painting the History Room soon and waiting on display cases to be delivered and then assembled; a big initiative is underway which the 25 year old Library catalog is being upgraded from SIRSI to Polaris. The Polaris system benefits include: cloud and Wi-Fi based, more secure, more powerful and more integrated with many of the existing Library apps. Chrissy and her team have been finalizing summer reading programming. Total circulation is up 35% from this April compared to last April.
- For Recreation, were less than two weeks away from our annual Memorial Day Parade on Monday, May 27th. The ceremony starts at 10am in Victor Crowell Park and the parade kicks off at 10:45am, rain or shine. Hot dogs and birch beer will be served at our American Legion Post following the parade. Community Day will be Saturday, June 8th, from 2-7pm in Mountain View Park, rain or shine. We'll have local bands and entertainment throughout the day plus local vendors, food vendors, community groups and plenty of fun activities and games for the kids. Its free and open to the public. Lastly, I want to thank the committee who worked seamlessly together to revise the rental registration ordinance, which was introduced tonight. This committee includes Councilman Dessino, Councilman Dotey and was lead by Councilman Quinn. Job well done, thank you gentleman.

Councilman Carnes

No report was given.

Councilman Dessino

Councilman Dessino made the following comments:

- Heather Lane is about 80% done.
- The next Environmental Commission meeting will be May 21st.

- May 19th at Mountain View Park is the Greenbrook spring cleanup.
- May 19th will be the ribbon cutting for the Green Brook Litter Trap at Jefferson Ave in Green Brook.

Councilman Dessino asked for a consensus for DPW to paint the lines at the Little league Field.
Consensus was received to paint the parking lot lines at the Little League Field.

Councilman Dotey

Councilman Dotey made the following comments:

- Coffee with a cop will be May 18th at the Elks.
 - Pops with Cops will be May 23rd at Headquarters.
 - The Police had a successful turnout for the drug turn in.
 - Over 4,000 items were collected from the sock drive.
 - Highlights of the April Police Report.
 - Highlights of the Fire Department Report.
 - Several applications were received for membership in the Fire Departments from the Volunteer Fair.
 - The Carnival brought in a good amount of revenue.
 - The Tree Ordinance revisions were mandated by the DEP.
-

Councilman Quinn

Councilman Quinn made the following comments:

No movement has been made on the Board of Health contract. The County gave a presentation on their sponsored events at the last meeting. They are offering a grant to municipalities with municipal owned or sponsored pools to fund programs that would make swim lessons available for free to every second-grade student within the County.

- May 15th- walk with a Doc (Stroke Awareness)
 - May 30th - RWJ Hospital Courtyard Stroke Awareness
 - June 8th - Community Day
 - June 15th - Woman's Health Event
 - July 13th - Bike Rodeo
 - July 20th - Skin Cancer Screening and Water Safety Event
-

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

1. Following the recent successful sale of the old Fire Headquarters property on Grove Avenue, the Borough will be moving ahead with another sale of surplus property. We will be discussing this matter in Executive Session tonight.
2. Middlesex Borough is celebrating National Police Week. In honor of the Middlesex Police Department, there was a beautiful ceremony this morning at the monument in front of Police Headquarters as well as this evening's Police Awards presentation.
3. This evening was the hearing for the 2024 Municipal Budget. A big thank you to our CFO Caroline Benson and to everyone who worked on the budget this year.
4. The Department of Public Works (DPW) has been working very hard last week and this week to complete the stream brook bank wall and soil retention system that the Borough agreed to do for the Heather Lane area properties impacted by severe erosion. The results are amazing. My sincere thanks to Superintendent Vidal and his team and to our Municipal Engineers on this impressive work.
5. The Request for Proposal (RFP) to select a professional planning, landscape and engineering firm to work with the community on a master plan for Victor Crowell Park and the Annex site has been made public. We hope to select a firm in July.
6. Council resolutions on the agenda this evening include authorization for the Borough to apply to the New Jersey Clean Energy Program for a Community Energy Planning Grant, authorization to make payment on excavation and labor costs associated with the temporary measures taken by the Borough to address stream bank erosion at Heather Lane and authorization for the Mayor and Borough Clerk to execute an agreement for right of entry by the Department of the Army, U. S. Army Corps. Of Engineers to the Middlesex Superfund site.
7. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project, we are waiting for PSEG to install the new street lighting fixtures.
8. Topics for discussion during the Agenda Workshop session this evening are the Heather Lane initiative and 2120-24, the proposed tree ordinance amendment.
9. Executive Session this evening will involve the discussion of real estate located at 1190 Mountain Avenue, the sale of surplus municipal land, Crieghton Lake and potential litigation involving the Middlesex County Municipal Joint Insurance Fund.

PRIVILEGE OF THE FLOOR

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

John Madden, 39 Ramsey Road, expressed his support of the Mayor and Council. Mr. Madden questioned the delayed removal of Carnival equipment at the park. He commented on the police ceremony that was held this morning. Mr. Madden also asked for clarification on Ordinance 2122-24, showing concerns for improper rates listed on the document. He also questioned the effects Heather Lane will have on property rates in the future.

Dave Polakiewicz, 240 Hazelwood Avenue, asked for clarification on the timetable for SRO and Class 3

Officers at the schools. He questioned if the wall that was installed on Heather Lane was temporary or permanent, and whether the municipality would be held liable for any damage done from the work in the future.

Bruce Sanders, 10 Venice Avenue, expressed concerns for nonresident students attending the Borough's school districts and suggested that the Council urge the school to take a census. He also stated his displeasure over the tax increase.

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 140-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the April 2024 Fire Chief Report.
2. Acceptance of the April 2024 Fire Report.
3. Acceptance of the April 2024 Cash Receipts.
4. Acceptance of the April 2024 Police Report.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 141-2024

APPROVAL OF THE 2023 RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2023 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Middlesex to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Borough of Middlesex hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates David Sliker to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 142-2024

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S
FOR BLOCK 167.03 LOT 3**

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 May 14, 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>	167.03 / 3
<u>Amount:</u>	\$33,354.59
<u>Premium:</u>	\$30,000.00

Certificate: 22-00002
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 143-2024

**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 [Municipality] 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 Mayor and Council 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 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 144-2024**APPROVAL OF THE CORRECTIVE ACTION PLAN ON THE 2023 AUDIT**

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2023 Audit, according to Local Finance Board Directive 92-15.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 145-2024**APPOINTING ADDITIONAL LOCAL OFFICE OF EMERGENCY MANAGEMENT
MEMBERS EFFECTIVE MAY 14, 2024 - DECEMBER 31, 2024**

The Governing Body hereby appoints the following individuals to the Local Office of Emergency Management Membership for a term effective May 14, 2024 - December 31, 2024.

1. Alisa Guttadauro
2. Inez Kozak
3. Cassandra Bell
4. Emily DeScenza

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 146-2024**AUTHORIZING THE PAYMENT OF EXCAVATION AND LABOR COSTS ASSOCIATED
WITH THE COMPLETION OF THE TEMPORARY MEASURES TO ADDRESS THE
STREAM BANK EROSION AT 6 HEATHER LANE**

WHEREAS, Middlesex Borough (Borough) desires to prepare plans for temporary measures to address the stream bank erosion at 6 Heather Lane; and,

WHEREAS, due to the said stream bank erosion, the dwelling at 6 Heather Lane has been vacated and is in eminent danger of being undermined and severely damaged; and,

WHEREAS, the Borough has received \$25,000 from the US Army Corps of Engineers(USACE) for Daisy Park; and,

WHEREAS, the Borough will use the said \$25,000 from the USACE for the excavation and labor costs associated with completion of this temporary plan.

NOW THEREFORE BE IT RESOLVED, that the Municipal Council of Middlesex Borough

hereby approving the funding for the completion of the temporary measures to address the stream bank erosion at 6 Heather Lane, at a cost not to exceed \$25,000.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 147-2024

**AUTHORIZING THE TAX COLLECTOR TO CANCEL THE BALANCE OF 2ND QTR. 2024
TAXES ON BLOCK 207 LOT 33**

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 207 Lot 33, 522 Hancock Street, has been declared a 100% Disabled Veteran by the Department of Veterans Affairs; and,

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

WHEREAS, the Tax Assessor has approved the application with a date of 4/25/2024; and,

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

2nd Qtr. 2024 \$2,828.65

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 148-2024

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE
DEPARTMENT OF THE ARMY RIGHT OF ENTRY FOR THE FUSRAP MIDDLESEX
SUPERFUND SITE PROJECT**

The Governing Body hereby approves the Mayor and Borough Clerk to execute the Department of the Army, U.S. Army Corps of Engineers Real Estate Right-of-Entry to Perform remedial activities of the FUSRAP Middlesex Superfund Site project. The land affected by this Right-of-Entry is located in the State of New Jersey, County of Middlesex, and is described In Exhibit "A".

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 149-2024

**AUTHORIZING THE MAYOR TO EXECUTE THE SIDEBAR AGREEMENT BETWEEN
THE BOROUGH OF MIDDLESEX AND USWU, LOCAL 255 - *Item Removed from
Consent***

The Governing Body hereby authorizes Mayor Mikolajczyk to execute the Sidebar Agreement Between the Borough of Middlesex and USWU, Local 255 effective immediately.

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 150-2024

**ACCEPTING THE RESIGNATION OF JENNA COSTANTINO FROM THE OFFICE OF
SENIOR & DISABLED SERVICES EFFECTIVE MAY 27, 2024**

The Mayor and Council hereby accept Jenna Costantino's resignation from the Office of Senior & Disabled Services effective May 27th 2024 and authorize the Treasurer to pay the full allowance of \$714.04 in accordance with the personnel policy in the regular Borough payroll of May 31st 2024 . The benefits include the following:

4.15 Days Vacation	\$ 714.05
TOTAL	\$ 714.05

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 151-2024

**APPROVING THE SAVIN C9120 COPIER AS SURPLUS AND AUTHORIZING THE
DISPOSAL EFFECTIVE IMMEDIATELY**

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

- 1) Savin-C9120 Serial Number V9725501148

WHEREAS, the Borough of Middlesex intends to dispose of said copier as replacement parts for the Savin-C9120 copier are no longer being manufactured; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby declare the non-serviceable item listed above as surplus and authorize disposal of same, effective immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 152-2024

**APPROVAL OF THE 60-MONTH LEASE OPTION FOR THE SHARP MX-C304WH
COPIER FOR THE MIDDLESEX BOROUGH DEPARTMENT OF SENIOR & DISABLED
SERVICES, IN THE AMOUNT OF \$77.15 EFFECTIVE IMMEDIATELY**

WHEREAS, the Middlesex Borough Department of Senior & Disabled Services wishes to lease a new Sharp MX-C304WH copier from Shore Business Solutions under Sourcewell Co-op Contract #030321-SEC in the amount of \$77.15 for 60 months to replace an outdated Savin-C9120 copier; and

WHEREAS, the replacement parts for the Savin-C9120 copier are not being manufactured and difficult to obtain; and

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

WHEREAS, Shore Business Solutions, Farmingdale, NJ is under Sourcewell Co-op Contract #030321-SEC for multi-function copiers, printers and equipment; and

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby approves the 60-month lease option for the Sharp MX-C304WH copier for the Middlesex Borough Department of Senior & Disabled Services, in the amount of \$77.15 for 60 months, effective immediately.

NOW FURTHER BE IT RESOLVED, that the Acting CFO hereby certifies that funds in an amount not to exceed \$4,629.00 are available in the Postage & Copiers - Miscellaneous Account No. 4-01-20-122-000-138.

Caroline Benson, Acting CFO

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 153-2024

REFUND OF DUPLICATE PAYMENT ON 2ND QTR. 2024 TAXES FOR BLOCK 68 LOT 16

WHEREAS, payment was made by the property owner of Block 68 Lot 16 for 2nd Qtr. 2024 in the amount of \$2,375.93 via the WIPP portal and posted on 5/8/2024; and

WHEREAS, the first transaction received an error message, and

WHEREAS, owner processed an additional payment on 5/8/2024 in the amount of \$2,375.93 and

WHEREAS, owner is entitled to a refund as there is an overpayment of \$2,375.93 for 2nd Qtr. taxes on the account; and

NOW THEREFORE, a check in the amount of \$2,375.93 should be made payable to:

Segarra, JoAnn
1339 Bound Brook Road
Middlesex, NJ 08846

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 154-2024**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, Carnes, Dessino, Dotey, Quinn, Rex

Agenda Workshop Item

1. Heather Lane Property Erosion

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Heather Lane:

Lenny Vidal will be giving an update at the next meeting on the progress.

Tree Ordinance:

Council discussed the reasoning behind the change in the Ordinance, stating it is a new requirement made by the DEP that the Borough must comply with and expressed their displeasure. They talked about the fees associated with the current Ordinance that is in place and the sections that would be affected by these new requirements.

Administrator La Place shared comparisons on permit fees and replacement requirements for the removal of trees in surrounding municipalities, compared them to the Borough's requirements, and explained the requirements that the DEP is now requiring the Borough to have in place. He also discussed the reasoning behind the new requirements, emphasizing the need for trees to aid in flooding.

Attorney Corsini explained the rights of the DEP to require the Borough to adopt an Ordinance for tree removal and replacement and stated that although the deadline to comply has passed, as long as the amended ordinance was adopted by the end of June, he did not see any issues with the delay.

Council discussed the need for clarification on the fees for residents and commercial properties and the different fees they should consider. They talked about the benefit of a tree replenishment fee as well.

Council agreed to continue the discussion at the next meeting.

Mayor Mikolajczyk opened the Privilege of the Floor on Agenda Workshop Items for anyone wishing to comment.

Bruce Sanders, 10 Venice Avenue, expressed his displeasure for a fee to be associated with the removal of trees on private property. He suggested the Council focus on the commercial properties and not charge a fee for residential removal. Mr. Sanders also recommended the Council ask for guidance from the Environmental Commission.

Claire Levourne, 809 Grandview Street, asked who the enforcement officer overseeing the permitting would be and how the inspection process will go. She emphasized the need for more trees within the Borough to aide in flooding.

Seeing that there were no further comments, 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 155-2024

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 & Block 274, Lot 27, Potential Litigation -

MCMJIF 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 Mountin Ave.

Real Estate - Block 274, Lot 27

Creighton Lake

Potential Litigation - MCMJIF

ADJOURNMENT

The next Regular Meeting will be May 28, 2024

Respectfully yours,

Linda Chismar, RMC
Borough Clerk