



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, September 10, 2024

7:00 PM

Municipal Building

- I. MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.
- II. SALUTE TO FLAG**
- III. ROLL CALL**

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

IV. PRESENTATIONS

V. APPOINTMENTS

- 1. Appointing Jane Conner as Alternate I and Lauren Frisoli as Alternate II to the Cultural & Arts Committee

VI. PROCLAMATIONS

VII. ORDINANCE(S) FOR INTRODUCTION

- 1. **Ordinance 2133-24** AN ORDINANCE AMENDING CHAPTER 429 (BYLAWS OF BOARD OF HEALTH) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CLARIFY CERTAIN PROVISIONS
- 2. **Ordinance 2134-24** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 244 ENTITLED "JUNKYARDS AND JUNK DEALERS"
- 3. **Ordinance 2135-24** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 317 ENTITLED "PROPERTY MAINTENANCE"

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

1. **Ordinance 2132-24** AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 306, LOT 17 IN THE BOROUGH OF MIDDLESEX TO BE SOLD AT PUBLIC SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(a)

IX. ADOPTION OF MINUTES

1. Approval of the August 27, 2024 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

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

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 242-2024** Acceptance of Standing Reports
2. **Resolution 243-2024** Approving the Refund of \$1875.00 for Street Opening Permit No. 2023-013 to Nodari Bedianashvili, 111 Grove Ave, Middlesex, NJ
3. **Resolution 244-2024** Approving the Purchase of 15 Dual Band Voice Pagers and Accessories from Tactical Public Safety, in the Amount of \$12,042.00
4. **Resolution 245-2024** Refund of 2nd QTR 2023 Taxes for Block 207 Lot 33
5. **Resolution 246-2024** Approval to Update Address for 2024-2025 Liquor Licenses for Ellery's Grill, Inc. & Pearldhyan, Inc.

6. **Resolution 247-2024** Refund of Duplicate Payment on 3rd QTR. 2024 Taxes for Block 209 Lot 18
7. **Resolution 248-2024** Authorizing the Mayor and Board of Health President to Execute the Shared Services Agreement for Public Health Services with the County of Somerset Effective January 1, 2025 - December 31, 2027
8. **Resolution 249-2024** Authorizing the Release and Return of the Performance Guarantees to the Contractor for Block 353 Lots 1.01, 1.02
9. **Resolution 250-2024** Approving a Block Party on September 28, 2024 Between 12PM and 8PM on B Street Between Walnut Street and Maple Street
10. **Resolution 251-2024** Approving the Reimbursement of \$300 to Melanie Wood for the 2024-2025 Board of Health Mercantile License
11. **Resolution 252-2024** Approving Utilizing MDRP Epoxy Floor for the Repairs of the Borough Garage Floor in the Amount of \$21,000.00
12. **Resolution 253-2024** Approving the Lease Agreement Between Caterpillar Financial Services Corporation and the Borough for a 2024 420X Backhoe Loader from Foley Incorporated for the DPW in the Amount of \$178,895.00

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

1. **Resolution 254-2024** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

1. Waiving of Board of Health Fee for Vendors Donating Food at Borough Community Events

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

XVIII. EXECUTIVE SESSION

1. **Resolution 255-2024** Executive Session
Public Safety - Sewer Infrastructure

Potential Litigation - 22 Whitney Drive

Potential Litigation - Fees

XIX. ADJOURNMENT

1. The next Regular Meeting will be September 24, 2024

ORDINANCE #2133-24

AN ORDINANCE AMENDING CHAPTER 429 (BYLAWS OF BOARD OF HEALTH) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CLARIFY CERTAIN PROVISIONS

WHEREAS, the by-laws of the Middlesex Borough Board of Health are found in Chapter 429 of the Borough's municipal code; and

WHEREAS, the Borough Council of the Borough of Middlesex seeks, in consultation with the Board of Health, to make amendments to this chapter to clarify certain provisions;

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 429 (Bylaws of Board of Health) of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey shall be amended as follows:

SECTION I.

Section 429-5(b) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

B. Alternate members. The Mayor shall appoint two alternate members of the Board of Health, who shall have the right to attend all meetings of the Board and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the ~~Mayor for the unexpired term only~~ **appointing authority in accordance with N.J.S.A. 26:3-1 et seq and N.J.S.A. 40A:60-5(g)**. Alternate members shall **not** be considered for purposes of establishing quorum.

SECTION II.

Section 429-10 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. At all meetings of the Board of Health, a majority of the members shall constitute a quorum for the transaction of business. For purposes of establishing a quorum, "majority" means more than 1/2 the total members then presently existing on the Board of Health.
- B. The votes of a majority of the members present and voting at a meeting at which a quorum is present shall constitute a valid decision. If at any meeting of the Board of Health there shall be less than a quorum present, the meeting shall be adjourned to a

new date.

- C. The vote of a majority of those members present at a Board of Health meeting at which a quorum is present shall be necessary for valid action by the Board of Health on any matter except as otherwise provided herein.

~~D. The President shall not vote, unless there is the need to break a tie vote.~~

SECTION III.

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

SECTION IV.

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 V.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

INTRODUCED: 09/10/2024

DATE OF PUBLICATION:
OF INTRODUCTION September 13, 2024

ORDINANCE #2134-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 244 ENTITLED “JUNKYARDS AND JUNK DEALERS”

WHEREAS, the Borough of Middlesex desires to amend Chapter 244 to prohibit junkyards except for certain existing nonconforming uses.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey that Chapter 244 of the Borough Code, entitled “Junkyard and Junk Dealers” is hereby supplemented and amended as follows:

SECTION I. Chapter 244-9 shall be repealed and replaced as follows:

§ 244-9 Location. <<https://ecode360.com/10335138>>

~~No premises shall be used for establishing, operating or maintaining any junkyard or business, as defined in the ordinance to which this chapter is a supplement, other than in the industrial zone as defined by Chapter 420 <<https://ecode360.com/10337742>>, Zoning, of the Borough of Middlesex, nor shall any junkyard be operated or situated within a distance of 50 feet of premises used exclusively for residential purposes or a school, church, or other place of public gathering, except that this section shall not apply to any premises entitled to a nonconforming use by reason of law or the judicial decisions of this state, provided, however, that no such junkyard shall be located within an area which is less than 5,000 lineal feet between the nearest lot line of such proposed junkyard and the nearest lot line of any other junkyard. The phrase “nearest lot line” as used herein shall be understood and construed in the case of irregular lot lines as being mean or average distance between such lot lines or, in case of lot lines on opposite sides of a street or roadway, as meaning the distance between said lines if the same were projected or extended so as to be on the same side of the street or roadway.~~

§ 244-9 Junkyards Prohibited.

- A. **All junkyards as defined in this chapter are hereby prohibited in all zoning districts in the Borough of Middlesex, except as set forth in this chapter and conditioned upon compliance with the licensing and regulation provisions herein contained.**
- B. **Notwithstanding 244-9(A), where, at the effective date of the adoption of this chapter, the lawful use of land or a parcel thereof as a junkyard exists, such use may be continued as a nonconforming use, provided that it remains otherwise lawful and complies with the provisions of the ordinances of the Borough of Middlesex and the licensing procedures herein contained.**

SECTION II. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION III. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

INTRODUCED: 09/10/2024

DATE OF PUBLICATION:
OF INTRODUCTION September 13, 2024

ORDINANCE #2135-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 317 ENTITLED “PROPERTY MAINTENANCE”

WHEREAS, the Borough of Middlesex desires to amend Chapter 317 to update language referring to the Code Enforcement Department and Officer and amending the enforcement procedures.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey that Chapter 317 of the Borough Code, entitled “Property Maintenance” is hereby supplemented and amended as follows:

SECTION I. Chapter 317-12 shall be amended as follows:

§ 317-12 Administrative provisions.

A. Enforcement officer. It shall be the duty and responsibility of the ~~Construction Official~~ **Enforcement Officer** of the Borough to enforce the provisions of this code as herein provided. “~~Construction Official,~~” **“Enforcement Officer,”** throughout this article, shall also mean subordinates of the ~~Construction Official~~ **Enforcement Officer** and all enforcement officers **as** defined in § 317-9

B. Coordination of enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the ~~Building Department~~ **Code Enforcement Department** of the Borough. Wherever in the opinion of the ~~Construction Official~~ **Enforcement Officer** it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done. No order for correction of any violation under this code shall be issued without the approval of the ~~Construction Official~~ **Enforcement Officer**, and it shall be the responsibility of that ~~official~~ **officer** before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

C. The enforcement officer is authorized to enter upon any land at any reasonable time for the purpose of performing his duty under this code.

~~D. Enforcement procedure. Whenever an enforcement officer determines that there is or has been a violation of any provision of this article, he shall give notice of such violation to the person, persons or entities responsible therefor under this section. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said persons or entities. Notice shall be given as aforesaid within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted within seven days of the date of service of such notice (exclusive of the date of service), a summons can be issued for~~

~~such violation. The enforcement officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid seven days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the seven-day period. In the event the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said seven-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons can be issued against the person, persons, entity or entities so notified. After three separate notice of violations of the same nature concerning a specific property are served in accordance with this chapter within a three-year period (with said three-year period commencing from the first applicable violation and all three applicable contained within a three-year period from the first applicable violation) then no further notice of violation shall be required hereunder for any subsequent violations of the same nature and property, and the enforcement officer may immediately issue a summons pursuant to this chapter.~~

The Enforcement Officer may file a summons and/or complaint in the municipal court or cause the issuance of the same, whether or not a notice of violation or order shall have been served. Any such summons and/or complaint shall be processed in accordance with law.

~~E. Emergency conditions. Whenever the enforcement officer finds that an emergency condition in violation of the article exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order by service of notice as set forth in Subsection <<https://ecode360.com/10336123>> above, reciting the existence of such an emergency condition and requiring **require** that such action be taken by the violator as soon as is reasonably necessary to meet the emergency. Notwithstanding any other provision of this article to the contrary, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon objection in writing to the enforcement officer, any such person shall be afforded a hearing before the governing body of the Borough as soon as is reasonably possible. After such a hearing and decision by the governing body as to the existence or nonexistence of the emergency condition, the governing body may continue such order in effect, or modify or withdraw it, subject to the issuance of a summons for violation thereof if such order is continued.~~

~~F. Odors and airborne particles. Notwithstanding the provisions of this section, if it is determined by the enforcement officer that there is an immediate disturbance to the comfort and convenience of any resident of the Borough of Middlesex by means of any pervasive or obnoxious odors, or airborne particles which cause disturbances of a person of normal sensitivity, then no notice shall be required hereunder, and the enforcement officer may immediately issue a summons of violation to a person or entity.~~

SECTION II. Chapter 317-9 shall be amended as follows:

§ 317-9Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, be defined as follows:

ENFORCEMENT OFFICER

Except as defined in § 317-12A, the enforcement officer shall be the **Director of Code Enforcement, Code Enforcer, Zoning Officer**, Construction Official or ~~his~~ an authorized representative **as designated by Borough Administration**. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex, shall be authorized to enforce § 317-1 of this chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

SECTION III. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION IV. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

INTRODUCED: 09/10/2024

DATE OF PUBLICATION:
OF INTRODUCTION September 13, 2024

ORDINANCE #2132-24**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 306, LOT 17 IN THE BOROUGH OF MIDDLESEX TO BE SOLD AT PUBLIC SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(A)**

WHEREAS, the Borough Council of the Borough of Middlesex (the "Borough") has determined that certain municipally owned land, designated as Block 306, Lot 17 on the Official Tax Map of the Borough of Middlesex (hereinafter the "subject property" or the "property"), consisting of one (1) parcel of land more commonly known as an unaddressed parcel along West Pershing Avenue in the Borough, is no longer necessary for municipal purposes and, as such, shall be sold at public sale, in accordance with N.J.S.A. 40A:12-13(a); and

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

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

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

1. The Borough Council reserves the right to reject all bids.
2. The minimum bid the Borough will consider is \$360,000.00, plus the cost of recording the deed, and agrees that deeds shall be recorded by the purchaser.
3. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 306, Lot 17," and shall be submitted within twenty (20) days after advertisement of sale, as required by N.J.S.A. 40A:12-13(a).
4. Potential Bidders are advised that:
 - a. The description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Middlesex as to the conditions of the property; the premises are being sold in their present conditions "as is."
 - b. The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey, and the Borough of Middlesex.

- c. No employee, agent, or officer of the Borough has any authority to waive, modify, or amend any of the conditions of the sale.
 - d. Offers for the property must be made for a sum equal or greater to the minimum bid price of \$360,000.00
 - e. The property will be conveyed subject to all covenants, restrictions, reservations, and easements established of record, or by prescription, and without representation as to character of title of the property to be conveyed.
5. Additional Terms the Successful Bidder must comply with:
- a. The successful bidder shall deposit cash, check, or money order in the amount of not less than 10% of the bid price within ten (10) days of notice of acceptance of their bid. In the event a bidder fails to timely deposit 10% of the bid price, the Borough may re-auction the subject property.
 - b. The successful bidder shall pay at the time of closing: (1) the balance of the purchase price, and (2) the cost of recording deeds and agrees that deeds shall be recorded by the purchaser.
 - c. The successful bidder shall pay prorated real estate taxes for the balance of the current year, as of the date of closing.
 - d. The successful bidder shall abide by appropriate zoning, subdivision, health, and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
 - e. Failure by the successful bidder to close title as agreed shall forfeit to the Borough any and all money deposited with the Borough.
 - f. The successful bidder shall stipulate that the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property.

- g. The title to the property shall close on or before December 31, 2024. The Borough reserves the right to require that two (2) or more pieces of contiguous property be merged and treated as one (1) piece of property.
 - h. The Borough reserves the right to withdraw the offer of sale and reject any and all bids.
 - i. All sales are subject to final approval by the Borough Council.
 - j. Parties interested in submitting bids and who require additional information, should contact Linda Chismar, Borough Clerk, 1200 Mountain Avenue, Middlesex, N.J. 08846.
6. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of the conditions of sale herein contained.
7. The sale is subject to all of the terms and conditions, as provided for in the Notice of Sale.

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

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

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

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

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

INTRODUCED: 08/27/2024

DATE OF PUBLICATION:
OF INTRODUCTION August 30, 2024

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

Resolution #242-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Approving Aiden Curtis, Arshdeep Parmar and Olivia Whale as Cadets for OEM.
2. Approving Amy Curtis as a member of OEM.
3. Acceptance of the August 2024 Fire Chief Report.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #243-2024

APPROVING THE REFUND OF \$1875.00 FOR STREET OPENING PERMIT NO. 2023-013 TO NODARI BEDIANASHVILI, 111 GROVE AVE, MIDDLESEX, NJ

WHEREAS, Nodari Bedianashvili was issued a street opening permit on 6/29/2023; and

WHEREAS, Nodari Bedianashvili deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 111 Grove Ave was inspected by Lenny Vidal DPW Supervisor and Dan Niro, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Nodari Bedianashvili, 111 Grove Ave, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2023-013.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #244-2024

APPROVING THE PURCHASE OF 15 DUAL BAND VOICE PAGERS AND ACCESSORIES FROM TACTICAL PUBLIC SAFETY, IN THE AMOUNT OF \$12,042.00

WHEREAS, the Middlesex Office of Emergency Management of the Borough of Middlesex wishes to purchase 15 Dual Band Voice Pagers and accessories in the amount of \$12,042.00; and

WHEREAS, two quotes were received for the purchase of 15 Pagers and accessories from the following vendors:

- 1) Tactical Public Safety, West Berlin, NJ - \$12,042.00
- 2) Motorola Solutions dba Wireless Communications & Electronics, Metuchen, NJ - \$12,042.00

WHEREAS, the Middlesex Office of Emergency Management recommend using Tactical Public Safety for the purchase of 15 Dual Band Voice Pagers and accessories in the amount of \$12,042.00; 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 Middlesex Office of Emergency Management, the governing body hereby approves the purchase of 15 Dual Band Voice Pagers and accessories from Tactical Public Safety, in the amount of \$12,042.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in the amount of \$12,042.00 are available from the 2024 Capital Budget - Emergency Management, Account Number C-04-24-125-000-073.

Caroline Benson, CFO

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #245-2024

REFUND OF 2ND QTR 2023 TAXES FOR BLOCK 207 LOT 33

WHEREAS, the property owner of Block 207 Lot 33 has been granted a full Disabled Veteran Exemption as of April 25, 2024; and

WHEREAS, resolution #147-2024, dated 5/14/2024 cancelled off 2nd Qtr. taxes in the amount of \$2,828.65, and

WHEREAS, 2nd Qtr. 2024 payment was sent in error via WIRE in the amount of \$2,828.65 and posted on 5/3/2024; and

WHEREAS, at the time of 2024 FINAL billing the amount of \$2,828.65 was not yet requested to be returned, so it was transferred to 3rd Qtr. 2024 creating a balance due of \$285.05, and;

WHEREAS, a payment of \$285.05 was received via WIRE and posted on 8/20/2024, and;

WHEREAS, there is currently a credit of \$3,113.70, on the tax account for Block 207 Lot 33, and,

WHEREAS, the mortgage provider has requested a refund for the error in the payment; and

WHEREAS, the property owner is entitled to a refund via the mortgage company, and;

NOW THEREFORE, a check in the amount of \$3,113.70 should be made payable to:

CoreLogic
3001 Hackberry Rd.
Irving, TX 75063

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #246-2024

**APPROVAL TO UPDATE ADDRESS FOR 2024-2025 LIQUOR LICENSES FOR
ELLERY'S GRILL, INC. & PEARLDHYAN, INC.**

The following applications for renewal of Liquor Licenses for the year 2024-2025 have been amended to update their addresses:

Ellery's Grill, Inc.
701 - 707 Lincoln Boulevard

1211-32-004-003

Pearldhyan, Inc.
655 Lincoln Boulevard

1211-44-006-004

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #247-2024

**REFUND OF DUPLICATE PAYMENT ON 3RD QTR. 2024 TAXES FOR BLOCK 209
LOT 18**

WHEREAS, payment was made by Suburban Title Examiners, Inc., for Block 209 Lot 18 for 3rd Qtr. 2024 in the amount of \$2,018.79 check # 63349 and posted on 8/19/2024; and

WHEREAS, an additional payment was sent in via WIRE for Block 209 Lot 18 for 3rd Qtr. 2024 in the amount of \$2,001.84 and posted on 8/20/2024; and

WHEREAS, overpayments are applied forward if a refund request is not received by the property owner, and;

WHEREAS, Suburban Title Examiners, Inc. has requested a refund for the double payment as the account is now escrowed, and;

WHEREAS, Suburban Title Examiners, Inc is entitled to a refund as there is an overpayment of \$2,018.79 for 3rd Qtr. taxes on the account; and

NOW THEREFORE, a check in the amount of \$2,018.79 should be made payable to:

Suburban Title Examiners, Inc.
2253 South Ave Suite 7
Scotch Plains, NJ 07076

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #248-2024

**AUTHORIZING THE MAYOR AND BOARD OF HEALTH PRESIDENT TO EXECUTE
THE SHARED SERVICES AGREEMENT FOR PUBLIC HEALTH SERVICES WITH
THE COUNTY OF SOMERSET EFFECTIVE JANUARY 1, 2025 - DECEMBER 31,
2027**

The Governing Body hereby approves the Mayor and Board of Health President to execute the Shared Service Agreement with the County of Somerset and the Somerset County Department of Health for Public Health Services effective services

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #249-2024

AUTHORIZING THE RELEASE AND RETURN OF THE PERFORMANCE GUARANTEES TO THE CONTRACTOR FOR BLOCK 353 LOTS 1.01, 1.02

WHEREAS, RG MIDDLESEX URBAN RENEWAL, LLC was a party for the property designated as Block 353 Lots 1.01, 1.02 on the official tax map of the Borough of Middlesex, County of Middlesex, State of New Jersey (the "Property");

WHEREAS, the Contractor obtained Preliminary & Final Major Site Plan Approval for the construction of the Project and in connection therewith posted with the Borough certain cash, surety bonds, and other performance guarantees (collectively, "Performance Guarantees");

WHEREAS, the Contractor has satisfactorily completed the construction of the Project in accordance with the terms and conditions outlined in the JLUB Resolution, as evidenced by the Developer obtaining a Certificate of Occupancy on 9/15/2021.

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

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

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

1. The Performance Guarantees shall be released and returned to the Contractor, along with the balance of the inspection fee escrow account after payment of final inspection invoice.
2. The Mayor and the Borough Clerk together with all appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #250-2024

APPROVING A BLOCK PARTY ON SEPTEMBER 28, 2024 BETWEEN 12PM AND 8PM ON B STREET BETWEEN WALNUT STREET AND MAPLE STREET

WHEREAS, the residents of 237 B Street have requested to have a block party on B Street between Walnut Street and Maple Street on September 28, 2024 between the hours of 12 p.m. and 8 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of 237 B Street to conduct a block party on B Street between Walnut Street and Maple Street on September 28, 2024 between the hours of 12 p.m. and 8 p.m.
2. This resolution shall take effect immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #251-2024

**APPROVING THE REIMBURSEMENT OF \$300 TO MELANIE WOOD FOR THE
2024-2025 BOARD OF HEALTH MERCANTILE LICENSE**

WHEREAS, Melanie Wood, applied and paid for a 2024-2025 Board of Health License prior to receiving final approval; and

NOW, THEREFORE, BE IT RESOLVED; that the Governing Body hereby approves the reimbursement of \$300 to Melanie Wood for the 2024-2025 Board of Health Mercantile License.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #252-2024

**APPROVING UTILIZING MDRP EPOXY FLOOR FOR THE REPAIRS OF THE
BOROUGH GARAGE FLOOR IN THE AMOUNT OF \$21,000.00**

WHEREAS, the Middlesex Department of Public Works has determined that the flooring at the DPW Borough Garage is in need of repairs; and

WHEREAS, two (2) quotes were received for the repair of the Department of Public Works garage flooring from the following vendors:

- 1) MDRP Epoxy Floor - \$21,000.00
- 2) Esposito - \$28,968.64

WHEREAS, the Department of Public Works Supervisor and the Purchasing Agent recommend utilizing MDRP Epoxy Floor for repairs to the Department of Public Works garage floor in the amount of \$21,000.00; 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 Department of Public Works Supervisor and the Purchasing Agent, the governing body hereby approves utilizing MDRP Epoxy Floor for the repairs of the Borough garage floor in the amount of \$21,000.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in an amount not to exceed \$21,000.00 are available from the 2024 Capital Budget - Buildings & Grounds, Account No. C-04-24-125-000-083.

Caroline Benson, CFO

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #253-2024

APPROVING THE LEASE AGREEMENT BETWEEN CATERPILLAR FINANCIAL SERVICES CORPORATION AND THE BOROUGH FOR A 2024 420X BACKHOE LOADER FROM FOLEY INCORPORATED FOR THE DPW IN THE AMOUNT OF \$178,895.00

WHEREAS, the Department of Public Works wishes to lease one (1) 2024 420XE Backhoe Loader with MP Bucket, 24" for five (5) years for a total amount of \$178,895.00 through Sourcewell Contract #011723-CAT; and

WHEREAS, Foley Incorporate is under the Sourcewell Contract #011723-CAT for Backhoe Loaders; and

WHEREAS, the lease agreement with Caterpillar Financial Services Corporation, Nashville, TN is for five (5) years. The total amount funded will be \$144,260.00 (at 6.4900% for 5 years with a payment of \$26,947.00 per year commencing in 2024, 1 Stub payment of \$44,160.00, subject to certification of the availability of funds; and

WHEREAS, the Principal amount is \$144,260.00; Interest will be \$34,635.00 for a total payment of \$178,895.00; and

WHEREAS, the Middlesex Borough Department of Public Works recommends awarding the bid to Foley, Incorporated in the total amount of \$178,895.00; and

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

1. The governing body hereby approves the lease agreement between Caterpillar Financial Services Corporation and the Borough of Middlesex for the leasing of a 2024 420X Backhoe Loader from Foley Incorporated for the Middlesex Borough Department of Public Works in the total amount of \$178,895.00.
2. The Governing Body authorizes the Mayor to execute the lease proposal for the 2024 420 XE Backhoe Loader with Caterpillar Financial Services Corporation.
3. The Borough Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Borough Administrator, Foley Incorporated and Caterpillar Financial Services Corporation.

BE IT FURTHER RESOLVED, that the CFO hereby certifies that funds are available in the Recycling Tonnage Grant Account #G-02-16-780-000-105.

Caroline Benson, CFO

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #254-2024

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.

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

Resolution #255-2024

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 Potential Litigation - 22 Whitney Drive, Potential Litigation - Fees & Public Safety - Sewer Infrastructure; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 10, 2024.