



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, September 10, 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 Martin Quinn

Councilman Kevin Dotey -- **Absent**
Councilman Douglas Rex -- **Absent**

Also Present:

Michael La Place Administrator
Christopher Corsini Borough Attorney

Others Absent:

Mayor Mikolajczyk requested a motion to add the Proclamation recognizing Direct Support Professional Recognition Week for September 8 - 14, 2024. Council President Conahan made a motion to add this Proclamation, seconded by Councilman Dessino and carried by a unanimous vote of Council.

PRESENTATIONS

APPOINTMENTS

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

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

PROCLAMATIONS

1. Direct Support Professional Recognition Week September 8 - 14, 2024

WHEREAS, every day in New Jersey, more than 30,000 people work as Direct Support Professionals, providing exemplary and critical support and services to hundreds of thousands of children and adults with intellectual and developmental disabilities.

WHEREAS, Direct Support Professionals have dedicated their professional lives in supporting, serving and empowering individuals with developmental disabilities enabling them to live fulfilling lives in the community; and

WHEREAS, Direct Support Professionals provide a broad range of support including help with personal care, participating in school, work, home, religious and recreational activities, leaving important life skills and general day-to-day activities to foster full citizenship; and

WHEREAS, Direct Support Professionals develop strong, trusting relationships with individuals with intellectual and developmental disabilities that are personally enriching for both the individuals and professional; and

WHEREAS, The Arc Middlesex County values the hard work of its Direct Support Professionals and recognizes the support of the Administration and Governing Body of Middlesex Borough for these invaluable workers who support individuals with intellectual and developmental disabilities; and

WHEREAS, the week of September 8th through September 14, 2024 has been designated Direct Support Professionals Recognition Week, to honor and recognize the significant contributions that Direct Support Professionals make to our communities; and

WHEREAS, every day, The Arc Middlesex County's Direct Support Professionals make a tremendous difference in the lives of people with intellectual and developmental disabilities, strengthening our communities and supporting our most vulnerable citizens, for which they deserve our respect and deepest admiration;

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Middlesex does hereby proclaim:

SEPTEMBER 8 THROUGH 14, 2024
AS
DIRECT SUPPORT PROFESSIONAL RECOGNITION WEEK

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2133-24 by title:

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.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/24/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Carnes, Dessino, Quinn	
ABSENT:	Dotey, Rex	

Borough Clerk Linda Chismar read Ordinance 2134-24 by title:

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.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/24/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Carnes, Dessino, Quinn	
ABSENT:	Dotey, Rex	

Borough Clerk Linda Chismar read Ordinance 2135-24 by title:

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:

§ 317-12Administrative 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.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/24/2024 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Robert Dessino, Councilman	
AYES:	Conahan, Carnes, Dessino, Quinn	
ABSENT:	Dotey, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2132-24 by title:

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.

Mayor Mikolajczyk opened the Public Hearing on Ordinance No. 2132-24. Seeing that there was no public participation, Mayor Mikolajczyk closed the Public Hearing on Ordinance No. 2132-24.

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

ADOPTION OF MINUTES

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

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

MAYOR'S REPORT

Mayor Mikolajczyk made the following comments:

- I'd like to thank Council President Conahan for filling in for me last meeting. It seems it was a lively one regarding the upcoming reassessment. In hindsight, we could have done a better job rolling this out, but we have our ducks in a row and in the end it is equitable, and fair for all the residents. This program is being done already by many of our neighbors and is far less costly for the Borough. Timing is always a factor, but by regulation if we don't start now, we will be unable to join this program without undergoing a complete revaluation. During the month, I met with a resident and with Dawn, our Tax Assessor, to go over the program. Our meeting answered a lot of questions regarding the timeliness, fairness and mechanics of the process. This will be presented at the next meeting.
- We will also be honoring Bob and Amelia Sherr as our next Pillars of Middlesex recipients.
- On September 20th at the American Legion, they are having a NJ DMAVA Ceremony where they are awarding 20 or so Legionnaire medals to Veterans. I mention this as, Councilman Carnes and Quinn will be recipients. Congratulations and thank you for your service.
- Our 9-11 Ceremony is tomorrow night at Victor Crowell Park. This is a somber event and everyone is welcome to attend. I would like to thank Sherley Penrose for her continued efforts to putting this event together.
- Our schools opened without incident. For all our residents, school is back in session, please be careful driving.
- We will be discussing the railroad crossing issues in workshop at the 1st meeting in October.
- The Senior Calendar is out.
- The Playground at Victor Crowell Park has been painted.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- The Tax Assessor will be at our next meeting, September 24th, to answer any questions.
- "You are the help until help arrives" is free training for residents, teaching life saving skills and CPR. Coordinated by our OEM and our Library, please register online to attend. The training will occur on September 19th at 6:30pm in the Library Community Room.
- The Fire Department leadership team, including Chief Bartok, will be presenting a current overview of the Fire Department at the October 8th Council Meeting.
- The 9-11 Ceremony is tomorrow night at 7pm in Victor Crowell Park. Thank you to Sherley Penrose for coordinating this year after year.
- The quarterly Borough Newsletter is out and looks great - thank you to our Clerk, Linda Chismar for spearheading this.

- The Parks Committee, RFP Subcommittee, interviewed 2 Engineering Firms last week and three more interviews are set for this Thursday evening, totaling 5. After Thursday's interviews, the Subcommittee will make a recommendation to the entire Parks Committee to move forward with one of the Firms. The Parks Committee will then make a recommendation to the Governing Body, which will then be discussed at an upcoming Council Meeting. Thank you, Administrator La Place, for coordinating the interviews.
 - Fire Department Report.
 - Friends of the Library have 6 Jazz Programs planned before the end of the year. The entire schedule is on the Library website under the "About the Library" tab, in the main menu, then under the "Friends of the Library" tab. Sunday, September 22nd at 3pm is "Florian Schantz Jazz Combo: Dixieland and Hot Jazz" in the Community Room.
 - How Much is the Middlesex Public Library Worth?
-

Councilman Carnes

Councilman Carnes made the following comments:

- The Film Committee has an opening for the resident member position.
 - The Culture and Arts Committee are coordinating murals to be done in the Borough. Welcome new members of the Committee.
 - Thank you, Rescue Squad for your service.
-

Councilman Dessino

Councilman Dessino made the following comments:

- The next JLUB Meeting has been cancelled.
 - DPW cleaned up the 9-11 Memorial Site for the Ceremony.
 - Clean - Up day will be September 21st.
 - The Environmental Commission will be hosting a Tree Giveaway in September.
 - The rain garden construction will start Thursday.
 - Councilman Dessino requested a consensus for the Borough Attorney to create an Ordinance to establish a Green Team. A consensus was received to introduce an ordinance at the September 24, 2024 Council Meeting.
-

Councilman Dotey

Councilman Dotey was absent.

Councilman Quinn

Councilman Quinn made the following comments:

The Board of Health contract is on the agenda for approval.

Councilman Rex

Councilman Rex was absent.

ADMINISTRATOR'S REPORT

1. I am really proud of the hard work of Borough staff members this summer and grateful for the projects completed and activities sponsored by various municipal departments. Special thanks to Recreation, Senior Services and Public Works.
2. Library Director Chrissy George reports that the development of the Middlesex Borough Local History Room is moving ahead. Physical improvements to the room such as painting and assembling furniture and display fixtures, have been completed. Staff is now working on digitizing the Middlesex Chronicle newspaper collection. The Middlesex Chronicle will be added to the Local History Room's digital repository which will also include all aspects of the room's collection. The grand opening of the Local History Room is expected to be in mid-October. The digital repository is available to the public 24/7 online on the library's website and at: <https://mdsxlocalhistory.omeka.net/>
3. Council resolutions on the agenda this evening include authorization for the Mayor and the Board of Health to execute a two-year shared services agreement for public health services with the Somerset County, approval for repairing the Borough Garage floor at a cost of \$21,000 and approval of a lease agreement between Caterpillar Financial Services Corporation and the Borough for a 2024 420X Backhoe Loader from Foley Incorporated in the amount of \$178,895.00.
4. As you know, the Borough has embarked on a long-overdue annual reassessment of properties. The new initiative involves a five-year cycle and about 20 percent of the Borough will be assessed through an in-person inspection each year. The annual reassessment program will allow for a fair and accurate distribution of the overall tax levy in order to support municipal, school district, library and county services. Our Tax Assessor, Dawn Guttischall, is scheduled to be at the next Council meeting on September 24th to answer any questions.
5. To increase zoning and code enforcement services and to provide full-time management of the Construction Office, the Borough will be recruiting a full-time Zoning and Code Enforcement Officer. Two existing part-time positions will be replaced by this one new full-time employee.
6. The topic for the Agenda Workshop tonight is a proposal to waive Board of Health fees for vendors donating food and services at community events sponsored by the Borough.
7. Executive Session this evening will involve discussion of public safety involving sewer infrastructure, and two potential litigation issues, fees and 22 Whitney Drive.

PRIVILEGE OF THE FLOOR

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

Dave Polakiewicz, 240 Hazelwood Avenue, asked how the reassessment came to be needed, and who told them it had to be done. He also questioned when the Council was notified of the reassessment and why it wasn't mentioned prior to the letters coming to be.

Bruce Sanders, 10 Venice Ave, asked for an update on the property that is being bought by Somerset County.

Kevin Redzinski, 441 Fairview Avenue, expressed his concerns over the current service the Code Enforcement Officer provides. He questioned who would be taking over the full-time position, asking for clarification on how Tyler could be working full time for Bound Brook and Middlesex if he was hired. Mr. Redzinski asked how many citations have been written by the department in the last two years and questioned the Council on why they have decided after two years of employment to move to make this position a full time position.

John Madden, 39 Ramsey Rd, commented on the price increase for the Board of Health Contract asking what the costs per service rendered are.

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

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [3 TO 1]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Quinn
NAYS:	Carnes
ABSENT:	Dotey, Rex

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

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

Borough Clerk Linda Chismar read the following resolution:

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

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 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.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Michael Conahan, Council President
SECONDER:	Robert Dessino, Councilman
AYES:	Conahan, Dessino, Quinn
NAYS:	Carnes
ABSENT:	Dotey, Rex

AGENDA WORKSHOP ITEM

1. Waiving of Board of Health Fee for Vendors Donating Food at Borough Community Events
Council discussed recommending to the Board of Health to waive the temporary Mercantile License fee for vendors who are donating food to be distributed at Borough Community events.

Mayor Mikolajczyk asked for a consensus to recommend the Board of Health waive the temporary Mercantile License fees for vendors who are donating food to be distributed at Borough Community events. A Consensus was received to recommend that the Board of Health waive temporary Mercantile License fees for vendors donating food to be distributed at Borough Community events.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

Seeing that there was no public participation, Mayor Mikolajczyk closed the Privilege of the Floor on Agenda Workshop Items.

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 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.

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

Public Safety - Sewer Infrastructure

Potential Litigation - 22 Whitney Drive

Potential Litigation - Fees

ADJOURNMENT

The next Regular Meeting will be September 24, 2024

Respectfully yours,

Linda Chismar, RMC
Borough Clerk