



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, August 27, 2024

7:00 PM

Municipal Building

MAYOR'S STATEMENT

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

SALUTE TO FLAG

ROLL CALL

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

Also Present:

Michael La Place Administrator
Christopher Corsini Borough Attorney

Others Absent:

Jack Mikolajczyk Mayor

Council President Conahan requested to amend the Agenda to remove Resolution 222-2024 from the Consent Agenda and Councilman Dessino made a motion to remove Resolution 222-2024 from the Consent Agenda, seconded by Councilman Dotey and carried by a unanimous vote of Council.

Council President Conahan also requested to update the Agenda to add to Executive Session Potential Litigation - Creighton Lake and Potential Litigation - Fees and Councilman Dessino made a motion, seconded by Councilman Dotey and carried by a unanimous vote of Council.

APPOINTMENTS

1. Appointing James Johansen to the Cultural & Arts Committee

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

2. Appointing Councilman Carnes as Liaison to the Cultural & Arts Committee

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

3. Accepting the Resignation of Patricia Clark from the Environmental Commission

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

4. Appointing Dan Cron as Alternate I on the Environmental Commission

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

5. Appointing Andrea Murphy as Alternate II on the Environmental Commission

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

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.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/10/2024 7:00 PM
MOVER:	Robert Dessino, Councilman	
SECONDER:	Kevin Dotey, Councilman	
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2129-24 by title:

ORDINANCE 2129-24

AN ORDINANCE AMENDING CHAPTER 272 (MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CLARIFY CERTAIN PROVISIONS THEREOF

WHEREAS, it is the desire of the Mayor and Council of the Borough of Middlesex to amend Chapter 272 (Massage and Bodywork Therapy Establishments) of the municipal code of the Borough of Middlesex to clarify certain provisions thereof; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 272 of the municipal code shall be amended as follows:

Section I:

Section 272-1 ("Purpose") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The purpose of this chapter is to establish regulations and permit requirements for the operation of massage and bodywork therapy establishments in order to protect and preserve the health, safety and welfare of the citizens of the Borough of Middlesex, ~~and as~~ **well as** the patrons **and employees** of such establishments, and to minimize and control adverse utilization of such establishments to preserve the quality of life, protect and preserve the character of the Borough.

Section II:

Chapter 272-5 ("Application Required") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

- A. Application for a massage and bodywork therapy establishment permit. Any person, firm, corporation, organization or other entity applying for a massage and bodywork therapy establishment permit shall submit the required application, together with the associated fees, which shall include the following information:
 - (1) The type of ownership of the establishment (i.e., whether individual, partnership, corporation or otherwise) ~~—~~, **as well as the business entity's incorporating documentation.**
 - (2) The name, style and designation under which the establishment is to be conducted.
 - (3) The address and all telephone numbers, including facsimile, where the

- establishment is to be maintained, operated, and conducted.
- (4) A complete list of the name(s) and address(es) of all massage and bodywork therapists, along with a copy of each therapist's certificate and/or license issued by the State of New Jersey issued to the applicant pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37-16.1[1] et seq., name(s) and address(es) of other employees at the establishment, ~~and~~ the name and residence address of the manager or other person principally in charge of the day-to-day operation of the establishment—, **and a copy of the Massage and Bodywork Therapist Employer License issued by the New Jersey Board of Massage and Bodywork Therapy (owner must provide this licensure and also be a licensed massage therapist in the State of New Jersey).**
- (5) The following personal information concerning the applicant, if an individual; concerning each stockholder holding direct or beneficial interest in stock of the corporation, each officer and director, if the applicant is a corporation; concerning each partner, including limited partners, if the applicant is a partnership; concerning the members, if the applicant is a limited-liability company; and concerning the manager or other person principally in charge of the day-to-day operation of the establishment:
- (a) The name, residence address and residence telephone number, **which shall be provided in the form of a valid New Jersey driver's license or identification card, a current and valid photographic driver's license issued by another state, a valid United States passport, or other verifiable U.S. Government-issued identification.** It shall be an ongoing responsibility of the applicant to notify the Borough, in writing, of any change in name, address or telephone number of the individuals identified.
- (b) The two previous addresses immediately prior to the present address of the individuals identified.
- (c) Written proof of age—, **which shall be verified with a valid New Jersey driver's license or identification card, a current and valid photographic driver's license issued by another state, a valid United States passport, or other verifiable U.S. Government-issued identification.**
- (d) Height, weight, sex and color of hair and eyes.
- (e) Two front-faced portrait photographs of the individuals taken within 30 days of the date of the application, and at least two inches by two inches in size.
- (f) The establishment or similar business history and experience, including, but not limited to, whether or not such person has previously operated such an establishment, along with the location of such prior operations, whether or not such person has previously applied for a license or permit for such an establishment, and if same was denied, revoked or suspended, and the reasons therefor.
- (g) **A valid New Jersey Business Registration Certificate as issued by the New Jersey Department of Treasury.**
- (6) Floor plans for the proposed facility.
- (7) The names and addresses of three adult residents of the State of New Jersey who will serve as character references for the applicant. These references must be persons other than relatives and business associates of the applicant.
- (8) **A copy of a certificate and/or license issued by the State of New Jersey issued to the applicant pursuant to N.J.S.A. 45:11:53 et seq. and N.J.A.C. 13:37-16.1 et seq.**
- (9) **Each therapist shall be required to submit a valid set of fingerprints in a manner to be established by the Middlesex Borough Police Department**

- B. Registration/documentation of a massage and bodywork therapist. Any person registering as a massage and bodywork therapist shall submit the following information.
- (1) The name, residence address and residence telephone number of the therapist. It shall be an ongoing responsibility of the therapist to notify the Borough, in writing, of any change in name, address or telephone number.
 - (2) A copy of a certificate and/or license issued by the State of New Jersey issued to the applicant pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37-16.1[2] et seq.
 - (3) Two front-faced portrait photographs of the individual taken within 30 days of the date of the application, and at least two inches by two inches in size.
 - (4) It shall be an ongoing responsibility of any person registered, or requiring registration as hereunder outlined, to notify the Borough, in writing, of any change in name, address or telephone number of the individuals identified.

Section III:

Chapter 272-6 ("Building requirements; Inspections") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Upon receipt of an application for a massage and bodywork therapy establishment permit, the Borough Clerk shall refer the application to the Construction Code Official, the Fire Department, the Police Department, the Health Officer and the Zoning Officer, which departments may inspect the premises where the proposed massage and bodywork therapy establishment is to be maintained, operated or conducted. No massage and bodywork therapy establishment shall be issued a permit or be maintained, operated or conducted in the Borough unless an approval by the **Police Department**, Health Official, Construction Official, Zoning Officer, and Fire Marshal has been granted indicating that the establishment complies with the minimum requirements of the construction, zoning, building and health codes for businesses operating in the Borough of Middlesex. **The Health Official shall conduct their review after all other reviewing agencies have submitted their approvals of any pending application.**

Section IV:

Chapter 272-10 ("Inspection of establishment") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The Health Official, Construction Official, and/or the Fire Marshal shall, from time to time, and at least once a year, make an inspection of each massage and bodywork therapy establishment within the Borough for purposes of determining whether or not the provisions of this chapter are being complied with. The Police Department shall also, from time to time **but not less than twice a year**, conduct inspections of each massage and bodywork therapy establishment to determine if there are any violations of this chapter and/or violations of any other ordinance of the Borough of Middlesex or the laws of the State of New Jersey on the premises. Such inspections, unless it appears that a violation of the temporal limitations on hours of operation exists, shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any massage and bodywork therapy establishment to fail to allow such inspection officer access to the premises or to hinder such officer in any manner. If any massage and bodywork therapy establishment reasonably appears to be operating outside of the hours permitted hereunder, the Health Official,

Construction Official, Fire Marshal and/or Police Department may immediately enter the premises notwithstanding any limitations to entry herein.

Section V:

Chapter 272-8 ("Operating Requirements") is hereby amended to include a new subsection as follows (all text novel):

Q. If the establishment includes a snack bar, kitchen, break area, multi-purpose room, or other like facility, that facility must be separate from the massage room, bathroom, and/or shower rooms to protect the health of clients and employees.

Section VI

Chapter 272-8 ("Violations and penalties; suspension or revocation of permit") is hereby amended to change the title thereof and as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

§ 272-12 Violations and penalties; suspension, ~~or~~ revocation, or non-renewal of permit.

- A. Unless otherwise provided law, any person violating the any of the provisions of this chapter shall, upon conviction thereof, and at the discretion of the municipal court, be punished by imprisonment for a term not exceeding 90 days or by a fine of less than \$750, nor exceeding \$2,500, or both, for a first violation. A second violation of any provision of this chapter shall be punished by imprisonment for a term not exceeding 90 days or by a fine of less than \$1,500, nor exceeding \$3,000, or both. A third or subsequent violation of this chapter shall be punished by imprisonment for a term not exceeding 90 days or by a fine of less than \$2,500, nor exceeding \$5,000, or both.
- B. Any conviction of a massage and bodyworks therapist or any employee of a massage and bodywork therapy establishment of a violation of any activity or behavior prohibited by the laws of the State of New Jersey alleged to have occurred at or within a massage and bodywork therapy establishment, particularly, but not exclusive of laws proscribing solicitation, prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material, shall devolve upon the owner and/or manager of such establishment, it being specifically declared by that, following such a conviction of a massage and bodyworks therapist or employee, the offensive activity or behavior of such massage and bodyworks therapist or employee is imputed upon the owner and/or manager as an accessory to such a violation.
- C. All applicable permit fees still apply.
- D. Suspension/revocation/non-renewal.
 - (1) In addition to any of the penalties provided herein or prescribed by law, and notwithstanding the filing of a summons and/or criminal complaint in the municipal court or Superior Court, any violation of the following provisions shall subject the massage and bodywork therapy establishment to the suspension, ~~or~~ revocation, or non-renewal of the applicable permit:
 - (a) Fraud, misrepresentation or false statement made by the applicant in the application for the permit.
 - (b) Fraud, misrepresentation or false statement made by the applicant in the course of carrying on the permitted business in the Borough.
 - (c) Any violation of any provisions of this chapter.

- (d) A conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, or any crime involving dishonesty.
- (e) Conducting the permitted business in the Borough in an unlawful manner or in such manner as to endanger the health, safety or general welfare of the public.
- (2) Such suspension, ~~or~~ revocation, **or non-renewal** shall be upon notice issued by the Health Official after conferring with Construction Code Official, Fire Official, Police Chief, Code Official/Zoning Officer, Health Official or their designee.
- (3) The said permit(s) may be suspended by the Health Official if, in his/her discretion and opinion, the conduct of the permittee is detrimental to the health, safety and general welfare of the Borough of Middlesex.

Section VII

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

Section VIII

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 IX

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

Council President Conahan opened the Public Hearing on Ordinance No. 2129-24. Seeing that there was no public participation, Council President Conahan closed the Public Hearing on Ordinance No. 2129-24.

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

Borough Clerk Linda Chismar read Ordinance 2130-24 by title:

ORDINANCE 2130-24

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

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

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

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

Section I

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

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

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

Section II

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

- ~~A. The terms and provisions of this article shall apply to real property in all cases of vacant lots upon which new construction will take place and or cases of demolition of existing principal structures. Nothing contained herein is intended to restrict a property owner's rights to remove trees on his own property where no building permit for a new or replacement principal structure is sought.~~
- BA.** Unless specifically exempted herein, it shall be unlawful for any person to remove or cause to be removed any tree, ~~under the circumstances set forth in Subsection A above,~~ with the trunk diameter of four inches or more ~~DPM~~ **DBH** (54 inches above the actual ground level) without first having obtained a tree removal project permit to do so as provided herein. Tree removal project permits shall be issued by the Enforcement Officer and/or his/her designee.
- ~~C. Notwithstanding Subsections A and B above, trees removed from a property within six months prior to an application for a building permit for a new or replacement principal structure shall be subject to the provisions of this article.~~

Section III

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

- A. Contents of tree removal project permit application:
 - (1) The name and address of the owner of the land.
 - (2) Description of the land in question including block and lot numbers of the land as shown on the current tax map of the Borough of Middlesex.
 - (3) The purpose or reason for removing the tree(s).
 - (4) The quantity, caliper, size and species of the tree(s) to be removed. In the case of the removal of trees with a ~~DPM~~ **DBH** greater than 24 inches, the plan shall include an analysis

of design or layout alternatives.

(5) The proposed dates for commencement and completion of the project.

(6) Name and address of the person having express charge, supervision, and/or control of the proposed removal.

(7) A tree replacement plan, as set forth in § 395-15 of this article.

(8) A statement granting permission to Borough officials or their employees to enter the premises to survey and inspect the project as work progresses.

(9) A tree replacement plan that includes location, quantity, caliper size and species of tree(s) to be replanted.

Section IV

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

Section VI

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

Section VII

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

Council President Conahan opened the Public Hearing on Ordinance No. 2130-24.

Bruce Sanders, 10 Venice Avenue, expressed his concerns on the Borough having control over what is done to trees on personal property, and discussed the effects of Co2 on the environment.

Seeing that there was no further public participation, Council President Conahan closed the Public Hearing on Ordinance No. 2130-24.

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

Borough Clerk Linda Chismar read Ordinance 2131-24 by title:

ORDINANCE 2131-24

AN ORDINANCE AMENDING SECTION 168-2 (CONSTRUCTION FEES) OF CHAPTER 168 (CONSTRUCTION CODES, UNIFORM) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO WAIVE FEES ASSOCIATED WITH CONSTRUCTION PROJECTS FOR 100% DISABLED VETERANS

WHEREAS, pursuant to N.J.S.A. 54:4-3.30 et seq, the State of New Jersey exempts honorably discharged veteran who have been 100% permanently and totally disabled during active-duty service; and

WHEREAS, the Borough Council of the Borough of Middlesex seeks to extend this exemption to municipal construction and permitting fees assessed by the Borough;

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Section 168-2 (Construction Fees) of Chapter 168 (Construction Code, Uniform) of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey shall be amended as follows:

SECTION I.

Section 168-2 is hereby amended as follows (subsection to be inserted to the code with novel text):

D. A veteran who qualifies for a property tax exemption pursuant to N.J.S.A. 54:4-3.30 et seq shall not be required to pay any fee or charge assessed pursuant to this Chapter.

SECTION II.

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

SECTION III.

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

SECTION IV.

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

Council President Conahan opened the Public Hearing on Ordinance No. 2131-24. Seeing that there was no public participation, Council President Conahan closed the Public Hearing on Ordinance No. 2131-24.

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

ADOPTION OF MINUTES

1. Approval of the July 23, 2024 Regular & Executive Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

MAYOR'S REPORT

Mayor Mikolajczyk was absent.

COUNCIL MEMBER REPORTS

Council President Conahan

Council President Conahan made the following comments:

- My deepest condolences to the family of Howard "Howie" Frederickson, who passed away on August 1st. Howie was a life member of the Lincoln Hose Co. #1. He was the oldest living member of the Lincoln Hose, joining the Middlesex Fire Dept. in 1964.
- Our next pillars of Middlesex will be at the 9/24 meeting.
- "You are the help until help arrives" is free training for residents, teaching life saving skills and CPR. Coordinated by our Office of Emergency Management and our Library. Register online to attend. This training will occur on Sept. 19th at 6:30pm in the Library's Community Room.
- Schools reopen on Sept. 5th.
- National Night Out, last Tuesday night, was another huge success. Thank you SGT. Joleen Auricchio and the entire Middlesex Police Dept. This has turned into our biggest event.
- MVP looked beautiful for National Night Out. Thank you to Lenny Vidal who leads our DPW and especially our Parks Dept. Also, the older playground equipment at Victor Crowell Park was painted and looks like new, as well as the new paint job on the old pump house on Marshall Place. Looks great. Thank you DPW.
- Clean - Up Day is in MVP from 9am - 1pm on 9/21.
- I'd like to get a consensus for a new "take a book, leave a book" to be added, at no cost, to Victor Crowell Park - closest to the new playground. It was discussed at the last Parks Improvement Committee meeting and unanimously endorsed. It was built by two residents, Trisha Stone and her Fiancé. You should have pictures to review.

Council President Conahan asked for a consensus for a new "take a book, leave a book" to be added, at no cost, to Victor Crowell Park. Consensus was received.

Councilman Carnes

Councilman Carnes made the following comments:

The Culture and Arts Committee met last week.

I attended the Reach program at Mauger Middle School with the Administrator. It went well.

Councilman Dessino

Councilman Dessino made the following comments:

- Clean - Up day will be September 21st.
 - The Environmental Commission will be hosting a Tree Giveaway starting on September 1st.
 - A water source is needed at the Tree Farm, we need to put it in the budget for installation and use for next year.
 - DPW are doing routine cleanup throughout town.
 - The Court Room needs a new roof.
-

Councilman Dotey

Councilman Dotey made the following comments:

- There was an injury at a fire in Park Brook Gardens.
 - Highlights of the Police Report.
 - National Night Out was a huge success, Officer Auricchio did a fantastic job.
 - Highlights of the Fire Report.
 - Highlights of the Court Report.
-

Councilman Quinn

Councilman Quinn made the following comments:

The Board of Health contract will be discussed in executive session.

Councilman Rex

No report was given.

ADMINISTRATOR'S REPORT

1. Summer projects and activities by various departments are under way throughout the Borough as we wrap up the summer season. Park system improvements and maintenance work such as painting new and existing fixtures has been done at all sites. Municipal facilities such as the historic Pump House on Bound Brook Road have also been spruced up by the DPW.
2. Library Director Chrissy George reports that the development of the Middlesex Borough Local History Room has been delayed due to unforeseen incidents such as a leaking roof. A volunteer group is scheduled to meet next month to start putting the room together and we plan to have an unveiling this Fall.
3. The Borough is looking into the plans for a joint Middlesex County and Somerset County historic park, to be developed mostly in this Borough and partially in the Borough of Bound Brook. It is at the site of an old

Revolutionary War-era bridge near the Raritan River. The project involves a large commercial property in Middlesex Borough which is being purchased by Somerset County. Our Borough has not been included in the planning for the proposed joint-county park to date and the purchase of the commercial property in Middlesex will result in a significant loss of tax ratables, \$35,000 annually. I have reached out to the leadership in both counties and I will keep everyone posted on this matter.

4. Some good news, on the revenue side, the Borough is in the process of closing on the sale of the old Fire House headquarters property on Grove Street.
5. Council resolutions on the agenda this evening include the authorization to purchase equipment for both the Police and Fire departments, approval for a sewer system analysis and valuation study and authorization to move forward with the purchase of new trash receptacles and a prefabricated restroom facility for Mountain View Park.
6. 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.
7. Staff is asking for Council consensus to move forward with upcoming ordinances involving the property maintenance code, junkyards and the Board of Health bylaws. For Property Maintenance, we would like to expand who can issue summons and update and clarify language in the ordinance. As for junkyards, they would be prohibited in the Borough. Finally, the Board of Health is asking for Council support to make minor changes in its bylaws. These ordinances would be introduced on September 10th. A consensus of Council was obtained to move forward with the introduction of these 3 ordinances at the September 10, 2024 Council Meeting.
8. There is no Agenda Workshop tonight.
9. Executive Session this evening will involve discussion of public safety contract negotiations, real estate at 1190 Mountain Avenue- Lot 17 in Block 306, potential litigation regarding 22 Whitney Drive and contract services for the Board of Health.

PRIVILEGE OF THE FLOOR

Council President Conahan opened the Privilege of the Floor for anyone wishing to comment.

Joe DeScenza, 321 Salvatore Avenue, stated his concerns over the start of the 5 year plan for revaluations within the Borough and suggested that this be put off for a few years. Mr. DeScenza also shared concerns over the road conditions on Sherman Road, stating high traffic volume and numerous potholes.

Dave Polakiewicz, 240 Hazelwood Avenue, asked for clarification on the timeline of the revaluation plan, inquired what percent will be reassessed this year, when the inspections will start, the total cost of the program and whether this is all digitized. Mr. Polakiewicz also questioned if the Council will be doing anything proactively to offset the cost of tax appeals made to the State. He commented on the property that Somerset County recently bought within the Borough and asked how much tax revenue will be lost. Mr. Polakiewicz suggested that the Tax Assessor be present at a meeting in order to explain the revaluation.

Carol Ivy, 136 Stout Ave, expressed her concerns over the revaluation of certain properties within the Borough and questioned the appeal process. She urged the Council to be more stringent on spending and to look into the schools spending.

Kevin Redzinski, 441 Fairview Avenue, discussed a traffic incident at the Cedar Ave crossing involving Spray

Tek. He urged the Council to further investigate the process to fixing the crossing. Mr. Redzinski shared his communications with several railroad entities and the concerns over the safety of residents at the crossings of Cedar and Mountain. He also urged the Council to do a forensic audit on the Borough.

Mike Ivy, 136 Stout Ave, questioned the teacher to student ratio at the schools. He also questioned if the Borough has a say in the schools budget.

Bruce Sanders, 10 Venice Ave, expressed his concerns over the rise in taxes, and questioned the timeline and expenses involved with the revaluation.

Tim Stewart, 345 Main St, expressed his concerns over the increase in taxes, the revaluation and the effects it will have on the community. He asked for clarification on the need for the reval, how his taxes will be affected and whether funding is received by the state. Mr. Stewart asked if the Borough was actively applying for grants and how residents could get involved to help offset costs.

John Madden, 39 Ramsey Rd, commented on the need for a revaluation and the process overall. He also explained the process for a forensic audit.

Steve Slattery, 56 Louis Ave, questioned how the other 80% of the municipality are affected by the revaluation every year and how this would affect residents who have a tax freeze.

Rich Thomasey, 109 Greene Avenue, question who the Board of Education Liaison was and suggested that they urge the school to do a resident check.

Ken Griggs, 328 Runyon Ave, suggested that the revaluation be postponed for a few years.

Domenick Musto, 50 Louis Ave, commented on the letter sent to residents for the revaluation and the Tax Assessors response to his questions. He questioned if the other 80% of the Borough would be affected and what this means for the budget for next year, expressing concerns over the next tax bill.

Seeing that there were no further public comments, Council President Conahan closed the public portion of the meeting.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 212-2024

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of Diamante Stewart as an Exempt Member of the Fire Department.

2. Approval of the July 2024 Fire Report.
3. Approval of the July 2024 Fire Chief Report.
4. Acceptance of the July 2024 Police Report.
5. Acceptance of the July 2024 Court Report.
6. Acceptance of Shaelin Wise as an Active Member of the Middlesex Fire Department.
7. Approving Connor Wise has a driver to operate Truck #25.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 213-2024

**AWARDING THE BID FOR THE LEASE OF THE IMI (INTELLIGENT MAIL INDICIA)
COMPLIANT POSTAL MACHINE TO KEY BUSINESS SOLUTIONS (KBS) IN THE
AMOUNT OF \$9,450.00**

WHEREAS, the United States Postal Service will decertify non-IMI (Intelligent Mail Indicia) postage meters by December 31, 2024.

WHEREAS, the Borough currently has a postage machine that is not IMI (Intelligent Mail Indicia) complaint and will be decertified by the United States Postal Service by December 31, 2024; and

WHEREAS, on July 9, 2024, two (2) quotes were received for a new IMI (Intelligent Mail Indicia) complaint postal machine as follows:

Key Business Solutions (KBS)

63-month lease option - \$150.00

Monthly Meter Rental - \$34.00

Monthly Service Contract - \$25.00

Neopost

60-month lease option - \$179.98

Monthly Meter Rental - \$40.00

Monthly Service Contract - \$768.00 (annual)

WHEREAS, the Purchasing Agent recommends awarding the contract to lease a new IMI (Intelligent Mail Indicia) postal machine from Key Business Solutions (KBS) on the grounds that it represents the best price available; and,

WHEREAS, the actual cost for the lease of the IMI (Intelligent Mail Indicia) compliant postal machine is expected not to exceed \$9,450.00; 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. At the recommendation of the Purchasing Agent, the governing body hereby awards the bid for the lease of the IMI (Intelligent Mail Indicia) compliant postal machine to Key Business Solutions (KBS) in the amount of \$9,450.00.

2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies funds in the amount of \$9,450.00 are available in Account Number 4-01-20-122-000-138 (2024 Operating - Postage & Copiers).

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 214-2024

AUTHORIZING THE PURCHASE OF (2) MOBILE LICENSE PLATE READERS FROM GOLD TYPE BUSINESS MACHINES UNDER BERGEN COUNTY CO-OP FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$28,597.80

WHEREAS, as a member of the Bergen County Cooperative Pricing System, the Police Department of the Borough of Middlesex wishes to purchase (2) Mobile License Plate Readers from Bergen County Co-op: BC-BID-23-17 in the amount of \$28,597.80; and

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

WHEREAS, Gold Type Business Machines is under Bergen County Co-op: BC-BID-23-17 for Mobile License Plate Readers; and

WHEREAS, the cost for the purchase of two (2) Mobile License Plate Readers with a 3-year extended warranty from Gold Type Business Machines is not to exceed \$28,597.80; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase (2) Mobile License Plate Readers from Gold Type Business Machines under Bergen County Co-op: BC-BID-23-17 in an amount not to exceed \$28,597.80; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$28,597.80 are available in Account: C-04-24-125-000-071 (2024 Capital - Police)

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 215-2024

AUTHORIZING THE PURCHASE OF ONE (1) 2024 CHEVY TAHOE COMMAND VEHICLE FOR THE FIRE DEPARTMENT FROM HGAC CO-OP IN THE AMOUNT OF \$121,300.00 - *Item Removed from Consent*

WHEREAS, as a member of the HGAC Co-op: Contract AM10-23 Cooperative Pricing System, the Fire Department of the Borough of Middlesex wishes to purchase one (1) 2024 Chevy Tahoe Command Vehicle from HGAC Co-op: Contract AM10-23 in the amount of \$121,300.00; and

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

WHEREAS, 10-75 Emergency Lighting, LLC is under HGAC Co-op: Contract AM10-23 for the purchase of vehicles; and

WHEREAS, the cost for the purchase of one (1) 2024 Chevy Tahoe Command Vehicle from 10-75 Emergency Lighting, LLC is not to exceed \$121,300.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase one (1) 2024 Chevy Tahoe Command Vehicle for the Fire Department from HGAC Co-op: Contract AM10-23 in the amount of \$121,300.00; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$121,300.00 are available in Account: C-04-24-125-000-075 (2024 Capital - Fire Dept).

Caroline Benson, CFO

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 216-2024

AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT & ACCESSORIES FOR THE FIRE DEPARTMENT CHIEF'S COMMAND VEHICLE FROM MOTOROLA SOLUTIONS, INC IN THE AMOUNT OF \$27,023.25

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase Radio Equipment & Accessories for the Fire Department Chief's Command Vehicle under the NJ State Contract #83909 in the amount of \$27,023.25; and

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

WHEREAS, Motorola Solutions, Inc is under NJ State Contract #83909 for the purchase of Radio Equipment & Accessories; and

WHEREAS, the cost for the purchase of the Radio Equipment & Accessories from Motorola Solutions, Inc is not to exceed \$27,023.25; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase Radio Equipment & Accessories for the Fire Department Chief's Command Vehicle from Motorola Solutions, Inc in the amount of \$27,023.25; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$27,023.25 are available in Account: C-04-24-125-000-075 (2024 Capital - Fire Dept).

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 217-2024

AUTHORIZING THE PURCHASE OF ONE (1) 2024 FORD 250 PICKUP TRUCK FROM WINNER FORD IN AN AMOUNT NOT TO EXCEED \$67,182.00 - *Item Removed from Consent*

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase one (1) 2024 Ford 250 Pickup Truck for the Department of Public Works Department under the State of New Jersey State Contract #A88726, T210 in the amount of \$67,182.00; and

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

WHEREAS, Winner Ford is under NJ State Contract #A88726, T210 for the purchase of Ford 250 Pickup Trucks; and

WHEREAS, the cost for the purchase one (1) 2004 Ford 250 Pickup Truck from Winner Ford is not to exceed \$67,182.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of

Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase one (1) 2024 Ford 250 Pickup Truck from Winner Ford in an amount not to exceed \$67,182.00; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$67,182.00 are available in Account: C-04-24-125-000-077 (2024 Capital - Road Dept).

Caroline Benson, CFO

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 0]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Dessino, Dotey, Quinn, Rex
ABSTAIN:	Carnes

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 218-2024

REJECTING ALL BIDS RECEIVED FOR THE TREE INVENTORY CONSULTANT

WHEREAS, the Borough of Middlesex authorized the receipt of bids for Tree Inventory Consultant; and

WHEREAS, bids were received on July 23, 2024, and opened in public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids if the lowest responsive bid substantially exceeds the contracting unit's appropriation for the goods or services;

WHEREAS, the Borough rejects all bids received on July 23, 2024 for Tree Inventory Consultant, for exceeding the contracting unit's appropriation of said project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex in the County of Middlesex, State of New Jersey that: It hereby rejects all bids received for the Tree Inventory Consultant due to the lowest responsive bid substantially exceeds the contracting unit's appropriation for the goods or services.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 219-2024

**AUTHORIZING THE PURCHASE OF A NEW MOWER FROM STORR TRACTOR
COMPANY IN AN AMOUNT NOT TO EXCEED \$38,494.65**

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase a new mower for the Department of Public Works under CO-OP ESCNJ #65MCESCCPS, #22/23-12; and

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

WHEREAS, Storr Tractor Company is under CO-OP ESCNJ #65MCESCCPS, #22/23-12 Cooperative Pricing System for the purchase of mowers; and

WHEREAS, the cost for the purchase of a new mower from Storr Tractor Company is not to exceed \$38,494.65; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase a new mower from Storr Tractor Company, utilizing the CO-OP ESCNJ #65MCESCCPS, #22/23-12; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$38,494.65 are available in the 2024 Capital Budget, Parks Department, Account Number: C-04-24-125-000-078.

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 220-2024

**AUTHORIZING CHANGE ORDER #1 FOR THE POLICE DEPARTMENT AIR HANDLING
UNITS REPLACEMENT**

WHEREAS, Hanna's Mechanical Contractors, Inc., was awarded the contract for the Middlesex Police Department Air Handling Units Replacement on September 26, 2023 in the amount of \$263,500.00; and

WHEREAS, Change Order #1 which reflects a \$948.00 increase in the total amount of the Contract for the Middlesex Police Department Air Handling Units Replacement. This will bring the total contract amount for this project to \$264,448.00; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following change order is hereby approved.

Original Contract Sum: \$263,500.00

Change Order #1 \$948.00

NEW CONTRACT SUM: \$264,448.00

NOW FURTHER BE IT RESOLVED: that the Chief Financial Officer hereby certifies that the funds in the amount of \$948.00 are available in 2023 Buildings & Grounds Capital Budget Account Number: C-04-23-095-000-083.

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 221-2024

AUTHORIZING THE PURCHASE OF 4 TASER 7 BASIC BUNDLES FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$19,483.48

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase 4 Taser 7 Basic Bundles and accessories for the Middlesex Borough Police Department under the NJ State Contract #T0106/17-FLEET-00738 in the amount of \$19,483.48; and

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

WHEREAS, Axon Enterprise, Inc., is under the NJ State Contract #T0106/17-FLEET-00738, for the purchase of tasers and accessories; and

WHEREAS, the cost for said purchase of 4 Taser 7 Basic Bundles and accessories is \$19,483.48; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council that the purchase of 4 Taser 7 Basic Bundles and accessories for the Middlesex Borough Police Department, in the amount of \$19,483.48 under NJ State Contract #T0106/17-FLEET-00738 be and is hereby approved.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that the funds in the amount not to exceed \$19,483.48 are available in the 2024 Police Department Capital Budget. Account number C-04-24-125-000-071.

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 222-2024

APPROVING THE PURCHASE OF 15 DUAL BAND VOICE PAGERS AND ACCESSORIES FROM MOTOROLA SOLUTIONS DBA WIRELESS COMMUNICATIONS & ELECTRONICS IN THE AMOUNT OF \$12,042.00 - *Item Removed from Consent*

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 and the Purchasing Agent recommend using the direct manufacturer, Motorola Solutions dba Wireless Communications & Electronics, as prices are regulated by the manufacturer (Motorola Solutions) 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 and the Purchasing Agent, the governing body hereby approves the purchase of 15 Dual Band Voice Pagers and accessories from Motorola Solutions dba Wireless Communications & Electronics, in the amount of \$12,042.00.

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

Caroline Benson, CFO

RESULT:	WITHDRAWN BY CONSENT VOTE
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Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 223-2024

**APPROVING THE PROPOSAL FROM REMINGTON & VERNICK ENGINEERS IN AN
AMOUNT NOT TO EXCEED \$35,700.00 FOR PROFESSIONAL ENGINEERING
CONSULTING SERVICES**

WHEREAS, Remington & Vernick Engineers has submitted a proposal to provide professional engineering consulting services for the Sanitary Utility System Assessment, Rate Analysis, Valuation Study & Emergent Condition Analysis; and

WHEREAS, the assessment inventory of the system is to develop a long-term capital improvement plan including associated costs; and

WHEREAS, the work will be utilized to develop a rate study and impact to the Middlesex customers including a valuation of the utility system; and

WHEREAS, the engineering fees for this project include:

Task 1 - Utility System Evaluation & Capital Plan Generation - \$15,500.00

Task 2 - Utility System Valuation - \$11,200.00

Task 3 - Rate Study - \$9,000.00

Estimated not to exceed project fees: \$35,700.00

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

1. The Governing Body hereby approve the proposal from Remington & Vernick Engineers in an amount not to exceed \$35,700.00 for professional engineering consulting services for the Sanitary Utility System Assessment, Rate Analysis, Valuation Study & Emergent Condition Analysis and authorize the Mayor and Borough Clerk to execute this Agreement.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED that the CFO hereby certifies that funds in the amount of \$35,700.00 are available from the 2017 Sanitary Sewer Ordinance in Account No. C-04-17-907-000-050.

CFO

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 224-2024

AUTHORIZING THE PURCHASE OF ONE (1) 2024 CHEVROLET MALIBU FOR THE MIDDLESEX POLICE DEPARTMENT FROM MALL CHEVROLET IN THE AMOUNT NOT TO EXCEED \$24,235.25

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase a one (1) 2024 Chevrolet Malibu for the Middlesex Police Department through ESCNJ #23/24-11 in the amount of \$24,235.25; and

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

WHEREAS, Mall Chevrolet, Cherry Hill, NJ is under the ESCNJ #23/24-11 Co-Op for the purchase of vehicles; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of one (1) 2024 Chevrolet Malibu for the Middlesex Police Department from Mall Chevrolet, under the ESCNJ #23/24-11 Co-Op be and is hereby approved.

NOW BE IT FURTHER RESOLVED, that the Chief Financial Officer hereby certifies that the funds in the amount not to exceed \$24,235.25 are available in Account: C-04-24-125-000-071 (2024 Capital - Police)

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 225-2024

APPROVING THE PROPOSAL FROM COLLIERS ENGINEERING & DESIGN FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE 2024 NJDOT ROAD PROJECT (FIRST ST, SECOND ST & SENECA AVE) IN AN AMOUNT NOT TO EXCEED \$117,200.00

WHEREAS, Colliers Engineering & Design has provided a proposal for Design and Construction Administration Services for the 2024 NJDOT Road Project Program (First St, Second St & Seneca Ave); and

WHEREAS, this proposal is for the Design and Construction Administration Services for this project in an amount not to exceed \$117,200.00; and

WHEREAS, The Borough has received a grant from the NJDOT in 2024 in the amount of \$441,440.00 for the Borough's 2024 Road Project Program.

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

1. The Governing Body hereby approves the proposal from Colliers Engineering & Design for the Design and Construction Administration Services for the 2024 NJDOT Road Project (First St, Second St & Seneca Ave) in the amount not to exceed \$117,200.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer certifies funds in the amount of \$117,200.00 are available in the 2024 Capital Budget - Road Program, Account No. C-04-24-125-000-086.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 226-2024

APPROVING THE REIMBURSEMENT FEE FOR A DOG LICENSE TO ERNESTO GUADARRAMA IN THE AMOUNT OF \$13.00

The Governing Body hereby approves the reimbursement fee for a Dog License to Ernesto Guadarrama in the amount of \$13.00 due to insufficient rabies vaccination.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 227-2024

2024 SEWER BILLING WAIVED APPEALS FOR VARIOUS PROPERTIES

WHEREAS, As per Ordinance 2067-22, all users which discharge more than 100,000 gallons of domestic sanitary wastewater per annum, shall be charged a service charge for flow, and:

WHEREAS, any dispute as to the billing or charges or to the amount of the bill or calculation thereof, may be appealed, and;

WHEREAS, said appeal shall be in writing and shall include in sufficient detail, the relief sought, the evidence, information or documents to support the relief sought, and;

WHEREAS, as per the appeal process the proper supporting documentation was submitted and reviewed, and,

WHEREAS, the appeal has been granted by the Borough Engineer, and,

THEREFORE, the following charges on the below properties have been waived or adjusted and/or a refund is due:

Block/Lot: 92 /1

Original Amount: \$531.12

New Amount: \$0.00

Refund: \$531.12

Block/Lot: 61/30

Original Amount: \$ 335.81

New Amount: \$227.48

Refund: \$108.33

Block/Lot: 242/2

Original Amount: \$422.46

New Amount: \$0.00

Refund: \$422.46

Block/Lot: 161/13

Original Amount: \$346.64

New Amount: \$0.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 228-2024

**AUTHORIZING THE TAX COLLECTOR TO CANCEL OFF TAXES ON BLOCK 207 LOT
33**

WHEREAS, Resolution # 147-2024, adopted 5/14/2024, approved the 100 % Exempt Disabled Veteran application; and,

WHEREAS, 2nd Qtr. 2024 taxes were canceled off, and

WHEREAS, FINAL 2024/PRELIMINARY 2025 bills were finalized after May 2024, and

WHEREAS, billing came on for Block 207 Lot 33, since the EXEMPTION is on the books for 2025, and

WHEREAS, manual adjustments must be made until then, and

NOW THEREFORE, the Tax Collector is hereby authorized to cancel off the balance of 3rd

and 4th Qtr. 2024 taxes in the following amount:

3 rd Qtr.	\$3,113.70
4 th Qtr.	\$3,113.69
1 st Qtr.	\$2,971.18
2 nd Qtr.	\$2,971.17

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 229-2024

APPROVING THE REIMBURSEMENT OF \$300 TO JISEL PERALTA FOR THE 2024-2025 BOARD OF HEALTH MERCANTILE LICENSE

WHEREAS, Benji's Food Distribution LLC, located at 671 Harris Ave has not applied or been approved to operate a food establishment at said location; and

WHEREAS, the owner Jisel Peralta applied and paid for a Board of Health License for the 2024-2025 licensing year without proper approval; and

NOW, THEREFORE, BE IT RESOLVED; that the Governing Body hereby approves the reimbursement of \$300 to Jisel Peralta, 808 Farrell Ct, Old Bridge, NJ, 08857 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 230-2024

AUTHORIZING THE REFUND FOR SEWER OVERPAYMENT

WHEREAS, a payment was received and posted for sewer account # 4320 in the amount of \$1,546.10, which included 2023 and 2024 balance due; and,

WHEREAS, the property is a multi-family and the 2024 amount due was waived on Resolution # 185-2024 due to Ordinance # 2067-22 change to each dwelling unit shall be considered One Service Unit; and

WHEREAS, there was an overpayment of \$297.89, and

WHEREAS, the property owner is entitled to a refund of \$297.89, and

NOW THEREFORE, a check in the amount of \$297.89 should be made payable to:

Alexander Wan
24 Anderson Hill Rd.
Bernardsville, NJ 07924

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 231-2024

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

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2024, and

WHEREAS, once property is sold the deduction is to be removed and/or prorated to new owner; and

WHEREAS, the property has a recorded deed date of 7/3/2024, and;

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2024 year totaling \$123.99.

Name: Gauman, Manuel Arevalo
Block/Lot: 199/ 35
Amount: \$123.99
Reason: Sale of property 7/3/2024
Year: 2024

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 232-2024

**APPROVING THE PURCHASE OF A RUGBY 9' 2-3 YEAR ELIMINATOR LP DUMP
BODY IN THE AMOUNT OF \$14,730.00 - *Item Removed from Consent***

WHEREAS, the Middlesex Department of Public Works has determined that the Dump Body on truck #8 is deemed unsafe and requires to be replaced; and

WHEREAS, the Department of Public Works wishes to purchase a new Dump Body in the amount of \$14,730.00 to replace the unsafe one; and

WHEREAS, two (2) quotes were received for a replacement Dump Body from the following vendors:

- 1) DeJana Truck and Utility Equipment - \$14,730.00
- 2) A&K Equipment Co. Inc. - \$16,369.01

WHEREAS, the Department of Public Works and the Purchasing Agent recommend utilizing DeJana Truck and Utility Equipment for the purchase of a Rugby 9' 2-3 Year Eliminator LP Dump Body in the amount of \$14,730.00; 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 and the Purchasing Agent, the governing body hereby approves the purchase of a Rugby 9' 2-3 Year Eliminator LP Dump Body in the amount of \$14,730.00.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in an amount not to exceed \$14,730.00 are available from the 2024 Capital Budget - Road Department Account No. C-04-24-125-000-077.

Caroline Benson, CFO

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 233-2024

AUTHORIZING THE PURCHASE OF A PREFABRICATED RESTROOM FOR MOUNTAIN VIEW PARK IN AN AMOUNT NOT TO EXCEED \$209,599.00 - *Item Removed from Consent*

WHEREAS, as a member of the Bergen County Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase a Prefabricated Restroom for Mountain View Park under said Bergen Bids CO-OP #22-34; and

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

WHEREAS, Green Flush Restrooms is under Bergen Bids CO-OP #22-34 Cooperative Pricing System for Prefabricated Restrooms; and

WHEREAS, the cost for the purchase a Prefabricated Restroom from Green Flush Restrooms is not to exceed \$209,599.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase the Prefabricated Restroom for Mountain View Park utilizing Bergen Bids CO-OP #22-34; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$209,599.00 are available in the 2023 Mountainview Park Upgrades, Account No. C-04-23-104-000-050.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 234-2024

AUTHORIZING THE MAYOR TO EXECUTE AN ESTOPPEL CERTIFICATE BY, AND BETWEEN, THE BOROUGH OF MIDDLESEX RESIDENTIAL URBAN RENEWAL, LLC, FOR PROPERTY DESIGNATED AS BLOCK 349, LOTS 6.02, 8, 10.01, 10.02 AND 10.03 ON THE OFFICIAL TAX MAPS OF THE BOROUGH

WHEREAS, Middlesex Residential Urban Renewal, LLC (the “Redeveloper”) is the designated redeveloper of properties identified as Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 on the Official Tax Maps of the Borough of Middlesex (the “Property”); and

WHEREAS, the Redeveloper has redeveloped the Property by constructing an apartment complex on the Property, consisting of approximately 200 residential units and first floor retail (the “Project”), in accordance with the Redevelopment Agreement by, and between the Borough of Middlesex and the Redeveloper dated December 13, 2017, as amended (the “Redevelopment Agreement”); and

WHEREAS, the Borough, on August 24, 2022, issued a Certificate of Completion to the Redeveloper pursuant to Section 4.14 of the Redevelopment Agreement; and

WHEREAS, pursuant to Section 11.4 of the Redevelopment Agreement entitled “Estoppel Certificate”, following written request therefor, the Borough shall issue a signed estoppel certificate either stating that the Redevelopment Agreement is in full force and effect and that there is no default or breach under said Redevelopment Agreement (nor any event which, with the passage of time and the giving notice would result in a default or breach under the Redevelopment Agreement), or stating the nature of the default or breach or event, if any; and

WHEREAS, the Redeveloper has requested, in writing, that the Mayor execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, in connection with refinancing for the Project to be procured by the Redeveloper as borrower from a certain lender named therein; and

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 Mayor is hereby authorized to execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Estoppel Certificate to the Borough and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to counsel for the Redeveloper. The Borough Clerk shall retain at least one (1) fully executed copy of the Estoppel Certificate on file in her office.
3. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 235-2024

APPROVING THE PURCHASE OF (18) 45-GALLON GARBAGE RECEPTACLES FOR MOUNTAIN VIEW PARK IN THE AMOUNT OF \$9,997.62

WHEREAS, the Middlesex Department of Public Works wishes to purchase eighteen (18) 45-Gallon Garbage Receptacles for Mountainview Park; and

WHEREAS, two quotes were received for the purchase of eighteen (18) 45-gallon garbage receptacles from the following vendors:

- 1) Barco Products, LLC - \$9,997.62
- 2) Tree Top Products, LLC - \$10,107.53

WHEREAS, the Department of Public Works and the Purchasing Agent recommend using Barco Products, LLC for the purchase of (18) 45-gallon garbage receptacles for Mountainview Park in the amount of \$9,997.62; 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 and the Purchasing Agent, the governing body hereby approves the purchase of (18) 45-

gallon garbage receptacles for Mountainview Park in the amount of \$9,997.62.

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that funds in the amount of \$9,997.62 are available from the 2023 Capital - Parks Dept, Account No. C-04-23-095-000-078.

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 236-2024

**AUTHORING THE PURCHASE OF THE REPLACEMENT PLAYGROUND EQUIPMENT
FOR COOK FIELD FROM GAME TIME (MARTURANO RECREATION CO)**

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to purchase Replacement Playground Equipment for Cook Field under CO-OP ESCNJ 24/25-01; and

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

WHEREAS, Game Time (Marturano Recreation Co) is under CO-OP ESCNJ 24/25-01 Cooperative Pricing System for the purchase of Playground Equipment; and

WHEREAS, the cost for the purchase of the Replacement Playground Equipment from Game Time (Marturano Recreation Co) is not to exceed \$104,275.70; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase the Replacement Playground Equipment for Cook Field from Game Time (Marturano Recreation Co), utilizing the CO-OP ESCNJ 24/25-01; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$104,275.70 are available in the following account numbers: G-02-28-671-000-101 (FY24 Local Recreation Grant) - \$65,000; C-04-22-062-000-081 (2022 Capital - Recreation) - \$7,419.39; C-04-23-095-000-081 (2023 Capital - Recreation) - \$31,856.31.

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 237-2024

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - LOCAL RECREATION
IMPROVEMENT 2024 GRANT**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$65,000.00, which item is now available as a revenue from the Local Recreation Improvement 2024 Grant;

BE IT FURTHER RESOLVED that the like sum of \$65,000.00 is hereby appropriated under the caption of "Local Recreation Improvement 2024 Grant (LRIG)"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$65,000.00 from the Local Recreation Improvement 2024 Grant .

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 238-2024

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - NATIONAL OPIOID
SETTLEMENT FUND**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$11,211.67, which item is now available as a revenue from the National Opioid

Settlement Fund;

BE IT FURTHER RESOLVED that the like sum of \$11,211.67 is hereby appropriated under the caption of "National Opioid Settlement Fund"; and

BE IT FURTHER RESOLVED that the above is a result of a State Settlement Agreement of \$11,211.67 from the National Opioid Settlement Fund.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 239-2024

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - MUNICIPAL COURT
ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$2,819.43, which item is now available as a revenue from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of \$2,819.43;

BE IT FURTHER RESOLVED that the like sum of \$2,819.43 is hereby appropriated under the caption of "Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$2,819.43 from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund.

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 240-2024

PAY ALL CLAIMS

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

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

AGENDA WORKSHOP ITEM

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 241-2024

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 Public Safety - Contract Negotiation, Contract Negotiation - Board of Health Contract, Potential Litigation - 22 Whitney Drive & Real Estate - 1190 Mountain Ave.; 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:	Robert Dessino, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, Carnes, Dessino, Dotey, Quinn, Rex

Public Safety - Contract Negotiations

Potential Litigation - 22 Whitney Drive

Real Estate - 1190 Mountain Ave.

Board of Health Contract

ADJOURNMENT

The next Regular Meeting will be September 10, 2024

Respectfully yours,

Linda Chismar, RMC
Borough Clerk