



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, January 28, 2025

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
Councilman Jeremiah Carnes
Councilman Michael Conahan
Councilman Joseph DeScenza
Councilman Robert Dessino
Councilman Kevin Dotey
Councilman Kenneth Griggs

Also Present:

Michael La Place Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

1. Public Hearing - NJDEP Green Acres Grant

Administrator La Place gave an overview of the Victor Crowell Park Project plan and stated that the goal of the grant would be to use the funds to finance the project. He also discussed the grant application process and requirements, such as the Public Hearing that is being held at this meeting.

Mayor Mikolajczyk opened the NJDEP Green Acres Grant Public Hearing for comments from the public.

Kevin Redzinski, 441 Fairview Avenue, questioned the water quality status and whether any of the funds would be used for water treatment. He asked if the Borough was still in litigation with American water. Mr. Redzinski expressed concerns over the manhole cover being properly secured and inquired on the deadline to submit the grant.

Matt Adams, 1013 Beechwood Avenue, expressed concerns over the water runoff on Oak Drive and

suggested that channeling or a gutter system be added for the water running off the road that causes swamp conditions in the area. He also voiced his concerns about the traffic on Oak Drive, suggesting making the road a one way.

Pat McGuire, 401 Ashland Rd, inquired if an additional fountain can be installed in the lake by the island. She also questioned the plans for erosion and stabilization that would be implemented, and asked how flooding and stormwater management will be handled in the future.

Mikal Celentano, 208 Hazelwood Ave, stated that the traffic needs to be addressed in the area, as well as additional parking locations.

David Tatulli, 237 Greene Ave, stated that flooding is a major issue in the area, along with the geese who frequent the park. He commented that a walking loop around the park would be a great idea, however there is not a lot of land available to use.

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

Administrator La Place discussed the next steps for the project and stated that a timeline of the project would be available soon.

Mayor Mikolajczyk discussed the goals he would like to see accomplished with the completion of the project.

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the December 17, 2024 Regular & Executive Meeting Minutes

RESULT:	APPROVED [4 TO 0]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, Dessino, Dotey
ABSTAIN:	DeScenza, Griggs

2. Approval of the January 7, 2025 Reorganization Meeting Minutes

RESULT:	APPROVED [5 TO 0]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Conahan, DeScenza, Dessino, Dotey, Griggs
ABSTAIN:	Carnes

MAYOR'S REPORT**Mayor Mikolajczyk made the following comments:**

- Contract negotiations are underway.
- Health insurance options are being looked into.
- The White House gave an explanation on the drones, stating that they were authorized for research.
- The Finance report is being worked on by the CFO. Our debt ratio is .763% at \$17.4 million, which compared to other towns of similar size is comparable.
- Under the agenda workshop we will be discussing the combination of the Beautification Committee with the Culture and Arts Committee.
- The County are looking for suggestions for locations for a healthcare kiosk, of which they would maintain.

As a follow up on the Cedar Ave Crossing - additional lighting has been installed and the Borough will be staying diligent on the safety and progression of the project.

COUNCIL MEMBER REPORTS

Council President Conahan**Council President Conahan made the following comments:**

- Congratulations to Joe DeScenza and Ken Griggs. Welcome aboard!
 - Lenny, Melissa and Caroline worked on the FY25 Local Recreation Improvement Grant. They have filed the grant application requesting \$100,000 for playground equipment for Fitzsimmons Park. We usually hear about the awards for this grant around April.
 - Departments have submitted their preliminary budget requests for 2025. Michael and Caroline will start reviewing the submissions and then meet with department heads in early February to discuss & make cuts or changes.
 - Lenny and Caroline are setting up a meeting with Alexa from the grant writing firm to review upcoming grant opportunities and discuss possible qualifying projects, availability and matching requirements, so we can pick the most likely and effective opportunities for the next few months.
 - Mountainview Park project is moving forward, currently looking at demolition of existing bathroom structure, new drainage installation and other prep work starting tentatively 3/1, weather permitting.
 - Related to upcoming budget: we also met with 8 members of the Fire Department, this past Saturday, for approximately 3 hours and reviewed their proposed 2025 budget, line by line. This was their first pass.
 - Save the date: our 2nd annual Volunteer Fair will be held on Saturday, May 3rd in the Library Community Room from 10-3pm.
 - Recreation will host "Valentines Day Craft - Make, Take & Share" children grades k-8 can stop by the Recreation Center to enjoy a lite snack and to make a Valentine craft to take home and make another one that will be given to a local Senior Citizen as a gift.
 - Congrats to all of our Firefighters who were sworn in on January 1st.
 - Next Parks Committee meeting is Tuesday, February 4th at 7:30pm
 - I would like to get a consensus to create and introduce an ordinance, mirroring NJ Administrative Code, related to unsafe structures with some specific language for fire damage. We have a structure on Lincoln Blvd, to the right of the new Lincoln Building, that has been burnt out for almost 2 years. Consensus was received.
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Councilman Carnes**Councilman Carnes made the following comments:**

Administration Liaison: The Councilmanic Administration Committee is dedicated to bridging communication between the Borough's leadership and all departments, ensuring that the Borough's goals are aligned with the daily operations and needs of the community. We as the liaisons are responsible for facilitating feedback from residents and translating those needs into actionable plans, coordinating the execution of these initiatives across departments, and ensuring that the administration is responsive to the changing dynamics of the borough.

Disabled & Senior Services Liaison: Department leadership has and will always ensure that these populations have access to the services and support they need, including transportation, social programs, and much more. Department leadership is in regular interaction with so many local organizations, other advocacy groups, and residents is essential to identify emerging needs and expand services if needed.

Cultural and Arts / Beautification Committee Liaison: The Cultural and Arts/Beautification Committee serves as a key advocate for enhancing the public spaces of Middlesex Borough. They are responsible for connecting the committee's artistic vision to the Borough's planning and development processes, working to ensure that art and beautification projects align with the needs and desires of the community, involving residents in initiatives and promoting programs that highlight the unique culture of Middlesex. They also serve as a resource for local artists, facilitating opportunities for engagement and collaboration with the community.

The Cultural and Arts Committee will be hosting a Valentines Craft.

The Swim Pool murals are starting to be worked on.

Councilman DeScenza

Councilman DeScenza made the following comments:

- The Swim Pool has hired Steve Bird as the new manager.
- The Swim Pool are working on a water heater problem, with the aid of Lenny Vidal.

Councilman Dessino

Councilman Dessino made the following comments:

Environmental Commission:

- Budget preparation has started.
- They applied for a PSE&G grant recently.
- 2 ordinances have been suggested for the Borough to adopt.
- They will host a family movie in February.
- The next meeting will be February 18th.

JLUB:

- The next meeting will be on February 12th.

DPW:

- 120 lane miles were plowed after the last storm and 60 tons of salt were used.
 - Improvements have been made at the parks garage.
 - Evaluations are starting.
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Councilman Dotey

Councilman Dotey made the following comments:

- Highlights of the Fire Report and yearly totals.
 - Highlights of the Court Report.
 - Highlights of the Police Report.
 - Coffee with a cop will be on February 8th.
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Councilman Griggs

Councilman Griggs made the following comments:

- The new Board of Health President is Robert Sherr and the Vice President is John Ellery.
 - The Board of Health will now be meeting on the 3rd Thursday of the month.
 - Somerset County will now be handling the Board of Health issues.
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ADMINISTRATOR'S REPORT

1. A big thank you to the DPW and to our first responders for keeping the streets clean and safe during the recent snowstorms and for handling recent accidents.
 2. The Middlesex Public Library reports that the Borough's new Local History Room is now scheduled to open to the public in March.
 3. Under the direction of our Chief Financial Officer, Caroline Benson, work on next year's budget is well under way. A preliminary work session meeting with the Fire Department took place this past Saturday morning.
 4. Contract negotiations with representatives of the Police Benevolent Association, the DPW workers union and the white-collar workers union are under way and there has been good progress made to date.
 5. The background research phase is under way by Suburban Consulting for the Victor Crowell Park Master Plan. The hearing this evening, in support of our Green Acres funding grant application for the park, will ensure that implementation of the future plan will happen in a timely manner.
 6. Interviews of candidates for the Zoning and Code Enforcement Officer position are done and we hope to have this new department head in place by March 1.
 7. Resolutions this evening include approval to submit the Green Acres Program Grant, authorization for transfer of funds for the 2024 Operating Budget, approval of the projected Round 4 Fair Share Affordable Housing obligations for the Borough, authorization for a Sustainable Jersey grant application, approval of the transfer of an old vehicle (2007 Ford Crown Victoria) from the Middlesex Police Department to the Middlesex Construction Department for use by inspectors and the approval of 2 Taser 7 Basic Bundles and Accessories for the Police Department in the amount of \$11,084.05.
 8. There will be an Agenda Workshop discussion this evening regarding the Culture and Beautification Committee.
 9. In Executive Session, there will be a discussion of potential litigation regarding the Middlesex County Municipal Joint Insurance Fund (MCMJIF), contract negotiations with the PBA and the Risk Manager and personnel matters regarding the Recreation and Senior Services Department and the Electrical Subcode Official position.
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PRIVILEGE OF THE FLOOR

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

Kevin Redzinski, 441 Fairview Avenue, made the following comments:

- When did the interviews start for the code enforcer?
- Why was there a delay?
- Where were the jobs listed?
- Is the department self-funded?
- Does the Administrator have any prior experience as an Administrator?

Dave Polakiewicz, 240 Hazelwood Avenue, made the following comments:

- Is the Borough concerned over the speculation from the executive orders concerning the cease of Flood Wall funding?
- What happens if the funding gets taken?
- Have the executive orders affected the budget process?
- Will the Economic Development Committee have minutes?
- What is the maximum height for a building on Lincoln Blvd?

Bruce Sanders, 10 Venice Avenue, made the following comments:

- DPW did a great job removing the snow from the roads.
- Was a new ordinance adopted for snow removal?
- When will I receive notification of my reassessment?

Ann Marie Kleiber, 116 Chestnut Street, made the following comments:

- The Borough tree on my property is lifting the sidewalk and breaking the road.
- The Shade Tree Commission has only pruned the top.
- The tree is leaning towards power lines.
- The roots might break into the sewer line.

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

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, DeScenza, Dessino, Dotey, Griggs

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 42-2025

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the 2024 Joint Land Use Board Annual Report.
2. Acceptance of the 2024 Environmental Commission Annual Report.
3. Acceptance of the 2024 End of Season Swim Pool Report.
4. Acceptance of the December 2024 Fire Report.
5. Acceptance of the December 2024 Police Report.
6. Accepting the resignation of Bryan Bausback from H.C. Pierce Hose Co. and the Middlesex Fire Department.
7. Accepting Devon Rick as an active member of the Lincoln Hose Co. and Middlesex Fire Department.
8. Acceptance of the December 2024 Court Report.
9. Acceptance of the 2024 Year End Tax Report.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 43-2025

APPROVAL TO SUBMIT THE GREEN ACRES PROGRAM GRANT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Middlesex desires to further the public interest by obtaining total funding in the amount of \$75,325.00, in the form of a \$75,325.00 matching grant and, if available, a \$0 loan, from the State to fund the following project: Stewardship Improvements at Victor Crowell Park at a cost of \$150,650.00 (total project cost);

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Jack Mikolajczyk, Mayor of Middlesex Borough, or the successor to the office of Mayor is hereby authorized to:
 - a. make application for such a loan and/or such a grant,

- b. provide additional application information and furnish such documents as may be required, and
 - c. act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$75,325.00;
 3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
 4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

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 44-2025

**AUTHORIZING THE MAYOR AND POLICE CHIEF TO EXECUTE THE SPECIALIZED
INVESTIGATIVE LAW ENFORCEMENT EQUIPMENT MEMORANDUM OF
UNDERSTANDING BETWEEN THE MIDDLESEX COUNTY PROSECUTOR'S OFFICE
AND THE MIDDLESEX POLICE DEPARTMENT**

The Governing Body hereby authorizes the Mayor and Police Chief to execute the Memorandum of Understanding by and between the Middlesex County Prosecutor's Office and the Middlesex Police Department for the use of Specialized Investigative Law Enforcement Equipment owned and maintained by the County of Middlesex and the Middlesex County Prosecutors Office for the period of January 1, 2025 to December 31, 2025.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 45-2025

**AUTHORIZING THE PURCHASE OF SOFTWARE AND EQUIPMENT FOR THE NEW
DOOR ACCESS SYSTEMS FROM LTW FOR BOROUGH HALL AND POLICE
HEADQUARTERS FROM OMNIA IN THE AMOUNT OF \$55,056.50**

WHEREAS, as a member of the OMNIA Partners Cooperative Pricing System, the IT department of the Borough of Middlesex wishes to purchase new door access systems for Borough Hall and Police Headquarters from OMNIA Contract 13-22 in the amount of \$55,056.50; and

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

WHEREAS, LTW is under OMNIA Cooperative Pricing Contract 13-22 for the purchase of software and equipment for the new door access systems; and

WHEREAS, the cost for the purchase of software and equipment for the new door access systems from LTW is not to exceed \$55,056.50; 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 software and equipment for the new door access systems from LTW for Borough Hall and Police Headquarters from OMNIA Contract 13-22 in the amount of \$55,056.50; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$55,056.50 are available in Account: C-04-23-095-000-00 (2023 Capital - IT Services).

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 46-2025

APPROVING THE REIMBURSEMENT OF \$50.00 TO SEAN FLAHERTY, 10121 BARNES CANYON ROAD, SAN DIEGO, CA 92121 FOR A 2024-2025 BOARD OF HEALTH LICENSE APPLIED FOR IN ERROR

The Governing Body hereby approves the reimbursement of \$50.00 for a Board of Health License to Sean Flaherty, 10121 Barnes Canyon Road, San Diego, CA 92121 as he inadvertently applied and paid for a 2024-2025 Board of Health License with the Borough of Middlesex in error.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 47-2025

AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO SUBMIT THE RECYCLING ENHANCEMENT GRANT APPLICATION TO THE MIDDLESEX COUNTY DIVISION OF SOLID WASTE MANAGEMENT

WHEREAS, The County of Middlesex in continuing to recognize the importance of recycling and the role that the individual municipalities play in conjunction with the County towards achieving an exemplary recycling rate has proposed to provide grant monies to municipalities through the Recycling Enhancement Grant (REG) Program; and

WHEREAS, It is the intent of the REG Program to provide funds to qualifying municipalities to be used for a paper shred event to enhance a municipality's recycling program; and

WHEREAS, It appears to be in the best interest of the Borough of Middlesex and its citizens to apply for this grant; and

NOW THEREFORE, BE IT RESOLVED by the Governing Body of Middlesex Borough that the Superintendent of the Department of Public Works is hereby authorized to submit an application for consideration of a grant to the Middlesex County Division of Solid Waste Management.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 48-2025

**AUTHORIZING THE TAX COLLECTOR TO ISSUE A TAX TITLE LIEN REDEMPTION TO
BLOCK 200 LOT 45**

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for January 28, 2025, and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale: 12/02/2020
Block/Lot: 200 / 45
Amount: \$60,751.17
Premium: \$25,800.00
Certificate: 19-00024
Payable To: Christiana T C/F CE1/Firsttrust
PO Box 5021
Philadelphia, PA 19111-5021

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 49-2025**APPROVAL OF THE PROFESSIONAL SERVICE AGREEMENT WITH RUTGERS
UNIVERSITY EFFECTIVE JULY 1, 2024 TO JUNE 30, 2025**

Approval of the Professional Service Agreement with Rutgers University effective July 1, 2024 to June 30, 2025.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 50-2025**APPROVAL OF THE 2025 WORKER'S COMPENSATION CONTRACT WITH
MEDEMERGE**

The Governing Body hereby approves the 2025 Worker's Compensation Contract with Medemerger effective January 1, 2025 - December 30, 2025.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 51-2025**APPROVAL OF THE TOWING LICENSES FOR 2024/2025 (EXPIRING 5/31/2025)**

The following applications for Towing Licenses for 2024/2025 have been approved by the Police Department and met all Borough requirements, and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

- . JVD Towing
- . Somerset Hills Towing

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 52-2025**APPROVING THE TRANSFER OF THE 2008 FORD CROWN VICTORIA FROM THE
MIDDLESEX POLICE DEPARTMENT TO THE CONSTRUCTION DEPARTMENT FOR
USE AS A SECOND VEHICLE FOR THEIR INSPECTION TEAM**

WHEREAS, the Middlesex Police Department has declared the 2008 Ford Crown Victoria, VIN #2FAFP71V68X156877 as surplus; and

WHEREAS, the Construction Department wishes to obtain said vehicle for use as a second vehicle for their inspection team; and

WHEREAS, the Governing Body hereby approves the transfer of the 2008 Ford Crown Victoria, VIN #2FAFP71V68X156877 from the Middlesex Police Department to the Construction Department for use as a second vehicle for their inspection team, effective immediately.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 53-2025

AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Middlesex Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Middlesex Borough is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Mayor and Council of Middlesex Borough has determined that the Borough should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that Mayor and Council of the Middlesex Borough, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 54-2025

**APPROVING THE PURCHASE OF 2 TASER 7 BASIC BUNDLES AND ACCESSORIES
FOR THE MIDDLESEX BOROUGH POLICE DEPARTMENT IN THE AMOUNT OF
\$11,084.05**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase 2 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 \$11,084.05; 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 2 Taser 7 Basic Bundles and accessories is \$11,084.05; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council that the purchase of 2 Taser 7 Basic Bundles and accessories for the Middlesex Borough Police Department, in the amount of \$11,084.05 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 \$11,084.05 are available in the 2022 Police Department Capital Budget. Account number C-04-22-062-000-071.

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 55-2025

AUTHORIZING THE TRANSFER OF FUNDS FOR THE 2024 OPERATING BUDGET

The CFO/Treasurer hereby authorizes the transfer of funds for the 2024 Operating Budget:

Department	From	To
Administration O/E - Grant Writer	\$4,000.00	
Engineering O/E - Sanitary Sewer	\$7,500.00	
Emergency Mngt O/E - Vehicle Maint	\$4,000.00	
Roads Dept S/W - Overtime	\$5,500.00	
Parks Dept S/W - Overtime	\$5,500.00	
Municipal Court S/W	\$2,000.00	
Street Lighting	\$6,000.00	
Municipal Clerk O/E - Code Books		\$4,000.00
Fire Dept O/E - Training		\$3,500.00
Fire Dept O/E - Vehicle Maintenance		\$5,000.00
Buildings & Grounds O/E - Supplies		\$3,000.00
Parks Dept O/E - Tree Maintenance		\$11,000.00
Municipal Court O/E - Interpreting		\$2,000.00
Electricity		\$2,000.00
Natural Gas		\$4,000.00
	\$34,500.00	\$34,500.00

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 56-2025

RESOLUTION PURSUANT TO THE AMENDED FAIR HOUSING ACT COMMITTING THE BOROUGH TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter the “Amended FHA”); and

WHEREAS, the Borough is forced to participate in the affordable housing process set forth in the Amended FHA or risk losing immunity from builder’s remedy and exclusionary zoning litigation; and

WHEREAS, the Amended FHA was signed into law without consideration of how it would impact individual municipalities or where development should occur; and

WHEREAS, the Amended FHA provides a process and calculations that disadvantage municipalities; and

WHEREAS, the Amended FHA required the Department of Community Affairs (“DCA”) to produce non-binding estimates of municipal fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 the (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 14 units and a Prospective Need or New Construction Obligation of 81 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and

WHEREAS, Borough's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, the Borough specifically reserves the right to adjust the aforementioned obligation numbers based on, inter alia, any one or more of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke this Resolution and commitment in the event of a successful challenge to the Amended FHA in the context of the Montvale case (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Round 4 Present and/or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish, among other things, unchallenged numbers by default on or before March 1, 2025; and

WHEREAS, in light of the above, the Mayor and the Borough Council find that it is in the best interest of the Borough to declare its obligations in accordance with this Resolution and commits to its fair share of 14 units of present need and 81 units of prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner" and

WHEREAS, the Borough seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory judgment action within 48 hours of the adoption of this Resolution in Middlesex County;

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025 by the Borough of Middlesex as follows:

- . All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.
- . The Borough hereby commits to a Round 4 Present Need Obligation of 14 units and Prospective Need Obligation of 81 units described in this Resolution, subject to all reservations of rights set forth above.
- . The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Middlesex County within 48 hours after adoption of this Resolution.
- . The Borough authorizes its Affordable Housing Counsel to attach this Resolution as an exhibit to the declaratory judgment complaint that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be determined to be appropriate by such counsel.
- . This Resolution shall take effect immediately, according to law.

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 57-2025

PAY ALL CLAIMS

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, DeScenza, Dessino, Dotey, Griggs

AGENDA WORKSHOP ITEM

Mayor Mikolajczyk explained the need to combine the Beautification Committee with the Culture and Arts Committee due to a lack in membership on the Beautification Committee.

Mayor Mikolajczyk asked for a consensus from the Council to create an ordinance combining the Beautification Committee with the Culture and Arts Committee. Consensus was received.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

1. Culture and Arts/Beautification Committee

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

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

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 58-2025

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 Personnel - Recreation; Personnel - Electrical Subcode Official; Contract Negotiation - Risk Manager, Contract Negotiations - PBA; and Potential Litigation - MCMJIF; 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 above 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.

Mayor Mikolajczyk indicated that action would be taken after Executive Session this evening.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, DeScenza, Dessino, Dotey, Griggs

Personnel - Recreation

Personnel - Electrical Sub-Code Official

Contract Negotiation - Risk Manager

Contract Negotiation - PBA

Potential Litigation - MCMJIF

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 59-2025

AUTHORIZING AN AWARD OF CONTRACT TO CAPITAL BENEFITS, LLC OF FAIRFIELD, NEW JERSEY TO SERVE AS THE BOROUGH'S RISK MANAGER FOR HEALTH INSURANCE CONSULTING SERVICES FOR A TERM OF ONE YEAR COMMENCING ON JANUARY 28, 2025 PURSUANT TO THE FAIR AND OPEN PROCESS AS DEFINED BY N.J.S.A. 19:44A-20.7

WHEREAS, the Borough of Middlesex, sought proposals for Risk Manager - Health Insurance Consulting Services to act as an advisor and agent for the Borough in matters related to health insurance and employee benefits; and

WHEREAS, the aforementioned Risk Manager - Health Insurance Consulting Services will act as an agent for the Borough and will be responsible for the management of all aspect of Middlesex Borough's health insurance program, including but not limited group health benefit services and administration, risk and loss evaluation, production of relevant proposal documents for the solicitation of group health benefits and related matters, review of contracts and certifications, and other services related to the Borough's employee group health benefit services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), provides for the award of professional services, without engaging in the bidding process, to a person(s) authorized by law to practice a recognized profession; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-2(6) declares that a "professional service" means services performed by 1) a person authorized by law to practice a recognize profession, 2) whose practice is regulated by law, 3) and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

WHEREAS, pursuant to the New Jersey Local Unit "Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., the Borough sought qualified professionals to provide the aforementioned professional services through the use of a "fair and open process," as defined in N.J.S.A. 19:44A-20.7; and

WHEREAS, as required by this law, the Borough provided sufficient notice of its Request for Proposal (RFP); publicly solicited RFPs through the utilization of the Borough's official web site; established an award and disclosure process documented in writing prior to soliciting any RFP; publicly opened all proposals; and publicly will award the Contract via this Resolution of the Borough Council; and

WHEREAS, Capital Benefits, LLC has demonstrated that it possesses qualifications commensurate with the scope of work as mandated in the Borough's Request for Proposal; and

WHEREAS, in response to the RFP, Capital Benefits, LLC has submitted a proposal to serve as the Risk Manager - Health Insurance Consulting Services for this project to the

Borough based on the compensation delineated in that proposal and referenced herein below; and

WHEREAS, the anticipated term of this Contract is one year or less; and

WHEREAS, the proposal submitted by Capital Benefits, LLC meets the selection criteria articulated in the RFP; and

WHEREAS, the Borough Council deems it in the best interests of the Borough to award a contract to Capital Benefits, LLC to provide the services delineated in the RFP and wishes to provide its approval to the award of contract; and

WHEREAS, such award of contract shall be made as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

WHEREAS, Capital Benefits, LLC shall be compensated in the form of standard commissions, as provided for and contained within Middlesex's existing insurance policies, with this commission payable by the Borough's insurance providers and/or private insurance carrier(s), with no retainer, hourly rate or fee, or other assessment to be due and owing by the Borough; and

WHEREAS, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5.1 et seq. is not required as no encumbrance in the Borough's budgeting system is required, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services," without competitive bids and the contract itself, must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that an award of contract for Risk Manager - Health Insurance Consulting Services pursuant to the Borough's Request for Proposal entitled "Risk Manager - Health Insurance Consulting Services" as described in the Professional Services Agreement attached hereto, is hereby made to Capital Benefits, LLC of Fairfield, New Jersey, in an amount to be paid as described herein; and

BE IT FURTHER RESOLVED, the Mayor and Borough Clerk are hereby authorized TO execute the Professional Services Agreement with Capital Benefits, LLC.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, DeScenza, Dessino, Dotey, Griggs

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 60-2025

**HIRING TIMOTHY KINIERY AS THE PART TIME ELECTRICAL SUB-CODE OFFICIAL
AT A SALARY OF \$17,500 FOR 2025**

At the recommendation of the Construction Official, the Governing Body hereby approve the hiring of Timothy Kiniery as the part time Electrical Sub-Code Official at a salary of \$17,500 for the year 2025.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, DeScenza, Dessino, Dotey, Griggs

Borough Clerk Linda Chismar read the following resolution:

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

RESOLUTION 61-2025

**APPROVING RETROACTIVE PAY FOR ADDITIONAL ASSISTANCE IN RECREATION
TO MARIE FILIK IN THE AMOUNT OF \$3,976**

At the recommendation of the Director of Recreation & Senior/Disabled Services, the Governing Body has reviewed the documentation provided by her and agree to compensate Marie Filik, the current part time Program Coordinator retroactive pay in the amount of \$3,976 for her additional assistance in the Recreation Department from August 1, 2024 - December 17, 2024.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Councilman
SECONDER:	Kevin Dotey, Councilman
AYES:	Carnes, Conahan, DeScenza, Dessino, Dotey, Griggs

ADJOURNMENT

The next Regular Meeting will be February 11, 2025

Respectfully yours,

Linda Chismar, RMC
Borough Clerk