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, February 11, 2020 **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 John Madden
Council President Jack Mikolajczyk
Councilman Jeremiah Carnes
Councilman Jason Carr
Councilman James Eodice
Councilwoman Amy Flood
Councilman Douglas Rex

Also Present:
Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

Mayor Madden stated that as most of you are aware, there was another train accident this morning on the Cedar Avenue Crossing; we are relieved that there were no injuries this time.

We have been in contact with both the Federal Railroad Administration and the NJ Department of Transportation. After the last and tragic accident in January, Middlesex Borough was assured a seat at the table to find a solution to the safety issues at the crossing. Today, we sent a strong message to the NJ Department of Transportation that they need to escalate the importance of finding a resolution of the safety issues. **They** are responsible for the safety of both rail service and the motoring public and cannot wait any longer to address this situation. We will continue to put pressure on the state until the issue is resolved.

PRESENTATIONS

1. Advanced Development Group LLC

Mayor Madden reported that Advanced Development Group LLC has been removed from the Agenda this evening and that he was advised by them that they appreciate the invitation to make a presentation and look forward to it in the future, but that they believe the appropriate course to take right now is to wait until after the Joint Land Use Board Meeting tomorrow night.

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1991-20 by title:

ORDINANCE 1991-20

AN ORDINANCE AMENDING CHAPTER 80 (POLICE DEPARTMENT), SECTION 80-5 (DESIGNATION OF APPROPRIATE AUTHORITY) AND SECTION 80-21 (APPROPRIATE AUTHORITY TO PROMULGATE RULES AND REGULATIONS) TO AMEND THE DESIGNATION OF THE APPROPRIATE AUTHORITY PURSUANT TO N.J.S.A. 40A:14-118

WHEREAS, the organization and structure of the Middlesex Borough Police Department is codified in Chapter 80 of the Municipal Ordinances of the Borough of Middlesex; and

WHEREAS, N.J.S.A. 40A:14-118 permits the governing body of any municipality, by ordinance, may designate a civilian "appropriate authority" to oversee the Police Department; and

WHEREAS, pursuant to N.J.S.A. 40A:14-118, the civilian "appropriate authority" may be "the mayor, manager, or such other appropriate executive or administrative officer, such as a full-time director of public safety, or the governing body or any designated committee or member thereof, or any municipal board or commission established by ordinance for such purposes;" and

WHEREAS, N.J.S.A. 40A:14-118 states that the governing body shall make such a designation "by ordinance in a manner consistent with the degree of separation of executive and administrative powers from the legislative powers provided for in the charter or form of government either adopted by the municipality or under which the governing body operates;" and

WHEREAS, the governing body of the Borough of Middlesex seeks, by this ordinance, to designate the duly-appointed Borough Administrator (as so designated in Article X of Chapter 68 of the Municipal Code of the Borough of Middlesex) as the appropriate authority pursuant to N.J.S.A. 40A:14-118; and

WHEREAS, the governing body further seeks to designate the Mayor of the Borough of Middlesex as the appropriate authority in the absence of the Borough Administrator or in the event of a vacancy in that position; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that Chapters 80 (Police

Department), Sections 80-5 (Designation of Appropriate Authority) and Section 80-21 (Appropriate Authority to Promulgate Rules and Regulations) of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, is hereby amended as follows:

SECTION I.

Section 80-5 is hereby amended as follows:

A. The Borough Administrator of the Borough of Middlesex, as duly-appointed pursuant to Article X of Chapter 68 of the Municipal Code of the Borough of Middlesex, shall be designated as the appropriate authority as provided in the New Jersey Statutes. The appropriate authority shall be responsible for the overall performance of the Police Department. The appropriate authority shall promulgate rules and regulations for the government of the Police Department and for the discipline of its members. (N.J.S.A. 40A:14-118.) In the absence of the Borough Administrator, or in the event of a vacancy in the position of Borough Administrator, the Mayor of the Borough of Middlesex shall be designated hereby as the appropriate authority pursuant to New Jersey Statutes.

B. Pursuant to the provisions of N.J.S.A. 40A:14-118, a line of authority is hereby established relating to the police functions, and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the Middlesex Borough police force. As used in this article, "appropriate authority" means the Borough Administrator of the Borough of Middlesex, as duly-appointed pursuant to Article X of Chapter 68 of the Municipal Code of the Borough of Middlesex. In the absence of the Borough Administrator, or in the event of a vacancy in the position of Borough Administrator, the Mayor of the Borough of Middlesex shall be designated hereby as the appropriate authority pursuant to New Jersey Statutes. The establishment of this appropriate authority shall not prevent the appointment by the governing body of committees or commissions to conduct investigations of the operation of the police force, and the delegation to such committees or commissions to such powers of inquiry as the governing body deems necessary or to conduct such hearings or investigations as may be authorized by law. Nothing herein contained shall prevent the appropriate authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the police force or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the appropriate authority to act to provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives.

SECTION II.

Section 68-31 is hereby amended as follows:

The appropriate authority, as designated pursuant to Section 80-5 of this Chapter, shall make rules and regulations concerning the conduct and duties of the officers and persons, the kinds of uniform and insignia to be worn by them and concerning such other matters as may be necessary for the proper regulation of the Police Department, and when the same have been adopted by ordinance by the Mayor and Council, they shall be known as the "Rules and Regulations for the Government of the Police Department of the Borough of Middlesex"[1] and shall be binding upon each member and employee of the Department, and any neglect by any member of the Police Department to carry out each and every rule

and regulation or order, as aforesaid, shall be held to be sufficient cause for his or her dismissal from the Department.

SECTION III.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION V.

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

Mayor Madden asked that this Ordinance be tabled and stated that due to comments and concerns that have come to me over the course of the last few days, I want to be crystal clear what my expectation is regarding the "chain of command" for Middlesex Borough and how I have delegated my authority.

In the past, the previous Mayor made many of the decisions, including financial ones, on his own, bypassing the Council. We no longer have a strong Mayor-weak Council arrangement. Council must now give its consent to budget and policy matters and is more ethical and responsible.

Per our Administrative Code Article X Section 68, all fiscal, budget, use and direction of municipal assets, including personnel, and all day-to-day operations of the entire municipality, rests with the Business Administrator. All Department Heads, including the Chief of Police, have the option to come to me for any issue, provided that they not bypass the authority of the Business Administrator. Further, the Business Administrator is to ensure that the policies set by the Council are followed to the fullest extent allowed by law.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	Douglas Rex, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1990-20 by title:

ORDINANCE 1990-20

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, CHAPTER 248, LAND DEVELOPMENT, SECTION 248-10, FILING FEES

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

SECTION 1. Section 248-10 is hereby repealed in its entirety and replaced as follows:

An application to the Land Use Board for any application for development as defined herein shall be accompanied by a filing fee which shall be used to defray the administrative cost of processing the application as follows:

Type of Application	**Application Fee**	**Escrow Fee**
Minor Subdivision - Lot Line Adjustment	$250	$2,000
Minor Subdivision	$350	$3,000
Preliminary Major Subdivision	$350 + $50 per lot + $100 per lot	$4,000
Final Major Subdivision	$400	50% of preliminary subdivisio n
Variance with Subdivision	$400	$4,000 plus $500 per variance
Minor Site Plan	$500	$6,000
Major Site Plan	$500 + $100 per lot	$10,000 + $200 per lot
Variance with Site Plan	$500 + $100 per lot + $100 per variance	$10,000 +$200 per lot +$500 per variance
Redevelopment Application	$1,000 + $100 per lot + $100 per deviation	$10,000 + $200 per lot +$500 per deviation
Interpretation Application (40:55D-68 & 40:55D-70a, b)	$400	$1,500
Residential Variance Application	$400	$1,000
Special Meetings/Appeals	$1,000	$5,000
Variance Application - Residential Accessory Building		$250 $500

Site Plan Review & Requirements for New Jersey DEP Permits or County Environmental Protection Permits	$500	$6,000 + $100 per lot

SECTION 2. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to effect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. The Clerk shall cause a copy of the final form of ordinance as adopted by the Council to be filed with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Madden opened the Public Hearing on Ordinance No. 1990-20. Seeing that there was no public comments, Mayor Madden closed the Public Hearing on Ordinance No. 1990-20.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jason Carr, Councilman
SECONDER:	Douglas Rex, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

ADOPTION OF MINUTES

1. Approval of the January 14, 2020 Regular & Executive Session Meeting Minutes

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Douglas Rex, Councilman
SECONDER:	Jason Carr, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

MAYOR'S REPORT

COUNCIL MEMBER REPORTS

Council President Mikolajczyk

Tax Collection has ended and he will be reporting on that at the next meeting. The finance staff is working to compile the budget and we should be getting a preview of it soon.

Councilman Carnes

Councilman Carnes reported on the following:

Joint Land Use Board:
By-Laws reviewed at last meeting and will be adopted tomorrow
First application will be heard at the Meeting on Feb 12, 2020
The board's professionals/ RFP's were reviewed and appointed on **Feb 5th:**

Counsel - Mr. Robertson
Engineer- Mr. Bucco - Najarian
Planner - Mr. Ricci - Ricci Planning
Board Clerk/Recording Secretary - Karen Wick - Zoning & Construction

DPW:
The retirement for Sanitation Lead Eric Schwartz position was filled by John Tackach- Lead Sanitation

Coffee with Council
Guest Speaker: Tax Assessor, Tom Reilly
Date: February 28th from 10:30 am to noon
Topics: Revaluation

Culture and Heritage Committee
To be reopened in a council workshop agenda for more transparent direction for our community's future.

Councilman Carr

Councilman Carr reported that on March 6 he will be attending a meeting for the NJ 20/20 Redevelopment Forum in New Brunswick to get a handle on innovative ideas to get a new direction for our redevelopment in town.

Councilman Eodice

No report given.

Councilwoman Flood

Councilwoman Flood reported that the Housing and Community Development Committee mete for the first time this year on Thursday, January 30th to discuss and review the recommendations for the distribution of the CDBG Grant Funds for this year. This grant is for $63,486. She was not present at that meeting and the Committee ws kind enough to meet again on Thursday, February 6th and finalized their request for how to use this grant money. There will be a resolution listed on the February 25th Council Meeting Agenda which will identify requests for how to utilize this years grant money. The grant has specific rules on how this money may be allocated. This year we are working with someone at the County who is new and very helpful.

The Recreation Committee met Monday, February 10th at the Recreation Center. They are moving along nicely with the basketball program and wrestling program and are happy with participation numbers which are up. Now this year is a program allowing Kindergarten, first and second grade students to participate in basketball.

Forms are out for spring baseball and softball as well as registration forms for the recreation department's summer camp.

The Recreation is also preparing for their Annual Easter Egg Hunt.

Councilman Rex

No report given.

ADMINISTRATOR'S REPORT

Administrator's Report
February 11, 2020
Items with asterices* have updates

I. Flood Management:
II. Update of Sewer Projects:
i. Phase I:
a. Additional work on George Street - no update
b. Funds remaining
c. O & M Manual required by DEP - no update
d. I/I Study
e. Sampling Program - no update
ii Phase II Funding: Pending with i-bank (DEP) - no update
iii Phase IV (Sewer Bypass)

III. *Update on Other Public Works Projects:
i. *Streetscape Project: Extension
ii. *South Avenue Reconstruction
iii. Safe Routes to Schools - no update
iv. Road Design (2019 DOT Grant)
v. Road Design (2020 DOT Grant)

IV. Update on Other Projects:
i. Library HVAC System
ii. Mountain View Park

V. *Video Taping of Meetings

VI. *Miscellaneous
i. Dredging of Lake/Mosquito Control Commission - no update
ii. *Budget
iii. Eagle scout project - dog park
iv. *Lincoln Blvd Parking Ordinance
v. *Presentations at Upcoming Meetings
vi. *Traffic issues brought up by the public
vii. *Mental Health services brought up by Councilman Eodice
viii. *Prosecutor

PRIVILEGE OF THE FLOOR

Dave Polakiewicz, 240 Hazelwood Ave.

- Is the borough on a Standard & Poors watch list due to our budget?
- Questioned if PILOT money was received for 150 Lincoln Boulevard
- Did the owner of the Lofts make their Affordable Housing payment of $100,000
- Questioned if there was documentation of the unacceptable spending

Kevin Redzinski, 441 Fairview Avenue

- Questioned if there was going to be a forensic audit done for the borough
- Recommended to remove fireworks from the budget.
- Would like to see someone from the council attend Board of Education meetings.

- Questioned if a "vote of confidence" could be applied regarding the matter of irresponsible spending by the former mayor.

Evan Walters, 837 West Second Street

- Asked if the Council had questioned the funds spent on the clean up of the nor'easter last year when $80,000 was spent.
- Questioned if anyone considered sending a letter to the judge who will be hearing the former mayor's matter.

Rich Thomasey, 109 Greene Ave.

- Questioned if Advanced Development was going to attend the Joint Land Use Board meeting tomorrow night.
- Questioned who is the Liaison to the Board of Education
- Spoke with Board of Education member who is concerned about the impact of the 200 additional apartments on Lincoln Boulevard.
- Felt that $800,000 was spent wastefully on the Mountain View Park Project.
- Recommended that Council consider 3 story buildings on Lincoln Boulevard, as they have in other towns in NJ (Garwood, Branchburg & Summit), as it should not be the concern of the council if the developers feel that it is not cost effective.
- Recreation space should be added to the redevelopment plan, and the Lincoln Statue project could be used as a small playground and a nice gateway to the borough.
- He is interested in looking into the monies spent for Phase I of the Mountain View Park project.

Lauri Smego, 311 Walnut Street

- Questioned if employees would have reported any irresponsible spending to a government official if the former mayor was elected.
- Congratulated Councilwoman Flood on her appointment to Council.
- Concerned that the Loft apartments have not been there long enough to know how it will be affecting the amount of students in the school system.
- Concerned about the height of the buildings on Lincoln Boulevard - looking like walls.

Frank Ryan, 303 Maple Street

- Concerned that we need a representative for the Board of Education, and it should not be the Administrator as she has enough work to do.
- Requested that the DPW look at the corner of Ashland Road and Lincoln Boulevard where the handicapped ramps and curbing were installed. There is an area where the road was never patched or completed. (no sidewalk or no blacktop)

The above individuals concerns were addressed by Mayor Madden, Administrator Karrow, Attorney Corsini and Council members.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	Douglas Rex, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

The Borough Clerk read the following resolution:

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

RESOLUTION 64-2020

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the December, 2019 Police Department Report
2. Acceptance of the February, 2020 Recreation Director's Report
3. Acceptance of the January, 2020 Recreation Summary
4. Acceptance of the December, 2019 Recreation Summary
5. Acceptance of January, 2020 Tax Totals

The Borough Clerk read the following resolution:

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

RESOLUTION 65-2020

AUTHORIZING THE REFUND OF STREET OPENING PERMIT NO. 2020-001 IN THE AMOUNT OF $875.00 TO CINDY GODFREY, 206 LUCIA STREET, MIDDLESEX, NEW JERSEY

WHEREAS, Gilbert M Godfrey and Cindy Godfrey, applied for street opening permit on 1/15/2020; and

WHEREAS, Cindy Godfrey deposited $875.00 with the Borough of Middlesex for the administrative fee per Borough ordinance to ensure proper repair and maintenance of the roadway; and

WHEREAS, Cindy and Gilbert Godfrey did not use Absolute Construction to open the roadway and did not need to obtain street opening permit.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of $875.00 in favor of Cindy Godfrey, 206 Lucia St, for refund of Street Opening Permit No. 2020-001.

The Borough Clerk read the following resolution:

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

RESOLUTION 66-2020

APPOINTMENT OF CONFLICT MUNICIPAL ATTORNEY EFFECTIVE FEBRUARY 11, 2020 - DECEMBER 31, 2020

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint William P. Robertson of the firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC having offices located at 15 Mountain Boulevard, Warren, New Jersey as the Conflict Municipal Attorney for the Borough of Middlesex effective February 11, 2020 through December 31, 2020 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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

1. William P. Robertson of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC, having offices located at 15 Mountain Boulevard, Warren, New Jersey is hereby appointed as the Conflict Municipal Attorney for the Borough of Middlesex effective February 11, 2020 through December 31, 2020 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

The Borough Clerk read the following resolution:

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

RESOLUTION 67-2020

ADVANCEMENT OF JOHN TACKACH TO SANITATION LEAD MAN EFFECTIVE FEBRUARY 3, 2020 AT AN HOURLY RATE OF $38.59 PER HOUR

WHEREAS, the position of Sanitation Lead Man was vacated effective February 1, 2020; and

WHEREAS, the DPW Manager & Foreman held interviews for this position; and

WHEREAS, the DPW Manager & Foreman selected John Tackach to fill this vacancy; and

WHEREAS, the Borough Administrator, with the concurrence of the Mayor, is authorized to promote personnel per Section 68-47.3F of the Borough Administrative Code.

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

1. John Tackach is advanced to the position of Sanitation Lead Man effective February 3, 2020 at an hourly rate of $38.59.

2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

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

RESOLUTION 68-2020

APPROVAL TO RENEW THE INTERLOCAL SERVICE AGREEMENT FOR THE PROVISION OF RECYCLING COLLECTION AND MARKETING SERVICES BETWEEN THE MCIA AND MIDDLESEX BOROUGH AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

The Governing Body hereby agrees to continue its participation in the Middlesex County Curbside Recycling Program with the MCIA and authorize Mayor Madden to execute a Contract to participate in this Program prior to March 1, 2020.

The Borough Clerk read the following resolution:

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

RESOLUTION 69-2020

RESOLUTION RETAINING SPERO KALAMBAKAS AS THE MUNICIPAL COURT JUDGE IN THE BOROUGH OF MIDDLESEX

WHEREAS, NJSA 2B:12-4 provides that a municipality must appoint a municipal court judge for a three year term; and

WHEREAS, the term of the present municipal court judge expired on December 31, 2019; and

WHEREAS, the governing body wishes to retain the services of Spero Kalambakas as the municipal magistrate for the Borough of Middlesex for three year term commencing as of January 1, 2020; and

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

1. The Borough of Middlesex hereby retains the services of Spero Kalambakas, as a municipal Judge for the Borough of Middlesex at a fee set forth in the salary ordinance.

2. This contract is made without competitive bidding as a “professional service” under the provisions of the local public contract law, because of the qualitative nature of the position.

3. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

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

RESOLUTION 70-2020

APPROVAL OF THE SITE ACCESS AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND ABSOLUTE AUTO & TRUCK SALVAGE CO. INC. *- Item Removed from Consent*

WHEREAS, the Borough of Middlesex is the owner of 1200 Mountain Avenue which neighbors the premises commonly known Absolute Auto Truck Salvage Co. Inc. and is designated as 245 Mountain Avenue; and

WHEREAS, the owner of 245 Mountain Avenue (Absolute Auto Truck Salvage Co. Inc.) has advised Middlesex Borough that it desires a right of access to the property for itself and its environmental consultant JM Sorge, Inc. and its Licensed Site Remediation Professional, John Bracken; and

WHEREAS, the owner of 245 Mountain Avenue's environmental consultant and Licensed Site Remediation Professional would like to evaluate potential contamination at the Property through collection and analysis of surface water, sediment and soil samples and resident biota, including plant and/or animal tissue samples in the target areas; and

WHEREAS, this investigation is required by the New Jersey Department of Environmental Protection rules, regulations and guidance, as part of its investigation of contamination potentially migrating off of the Neighboring Premises.

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

1. The Governing Body authorizes the Mayor to execute the Site Access Agreement between the Borough of Middlesex and Absolute Auto Truck Salvage Co. to permit its environmental consultant and their subcontractors a non-exclusive and limited right of access to the property to perform such investigation upon the terms of this Agreement.

2. This resolution shall take place immediately.

RESULT:	**ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Jason Carr, Councilman
SECONDER:	Jack Mikolajczyk, Council President
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

The Borough Clerk read the following resolution:

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

RESOLUTION 71-2020

APPROVING ROUND HILL RISK PARTNERS, LLC AS THE RISK MANAGEMENT CONSULTANT FOR THE BOROUGH OF MIDDLESEX FOR 2020 *- Item Removed from Consent*

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Round Hill Risk Partners, LLC having offices located at 788 Morris Turnpike, Suite 101, Short Hills, NJ 07078 as the Risk Management Consultant for the Borough of Middlesex for the period of January 1, 2020 to December 31, 2020 at a fee set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

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

1. Scott Readlinger of Round Hill Partners, LLC, having his office located at 788

Morris Turnpike, Suite 101, Short Hills, NJ 07078 is hereby appointed as the Risk Management Consultant for the Borough of Middlesex for the period of January 1, 2020 through December 31, 2020 at a fee as set forth in the Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

RESULT:	**ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Jason Carr, Councilman
SECONDER:	Jack Mikolajczyk, Council President
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

The Borough Clerk read the following resolution:

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

RESOLUTION 72-2020

AUTHORIZING A REQUEST TO EXTEND NJDOT FY2018 MUNICIPAL AID GRANT - BOUND BROOK ROAD STREETSCAPE *- Item Removed from Consent*

WHEREAS, that the Borough of Middlesex is the recipient of the FY2018 Municipal Aid Grant in the amount of $1,030,560.00 for the Bound Brook Road Streetscape Project pursuant to a letter dated October 29, 2018.

WHEREAS, due to the mitigating circumstances mentioned in the attached letter(s) from the Borough Engineer, there is a need to respectfully request an extension of time to award the construction contract.

NOW, THEREFORE, the Council hereby officially requests an extension of time for the award of the construction contract for four (4) months to 6/21/20.

RESULT:	**ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Jason Carr, Councilman
SECONDER:	Jack Mikolajczyk, Council President
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

The Borough Clerk read the following resolution:

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

RESOLUTION 73-2020

AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES FOR THE PROPERTY OWNER OF 24 RAMSEY ROAD THAT HAS BEEN DECLARED A 100% DISABLED VETERAN

WHEREAS, 100% Disabled Veterans are tax exempt, and;

WHEREAS, the homeowner of 24 Ramsey Road, has been declared a 100% Disabled Veteran by the Division of Veterans Affairs, application date 1/15/2020, and;

NOW THEREFORE, the Tax Collector is hereby authorized to cancel the following taxes:

1st Qtr 2020 in the amount of $1,828.20
2nd Qtr 2020 in the amount of $1,828.19

The Borough Clerk read the following resolution:

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

RESOLUTION 74-2020

THE TAX COLLECTOR AUTHORIZES THE AMENDMENT OF RESOLUTION 52-2020, ADOPTED JANUARY 28, 2020 TO REFLECT THE CORRECT BILLING ADJUSTMENTS FOR 115 AND 117 GROVE AVENUE

WHEREAS, Resolution #52-2020 was adopted by the Governing Body on January 28, 2020; and

WHEREAS, the Tax Collector has requested a correction be made to the amount of funds the owner is entitled to for the billing adjustment; and

WHEREAS, the owner is entitled to a billing adjustment in the amount of $2,751.90, for Block 262 Lot 42.01 Q C001 and $2,751.90 for Block 262 Lot 42.01 Q C002.

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 amends Resolution #52-2020 which was adopted by the Governing Body on January 28, 2020 to reflect that the owner is entitled to a billing adjustment in the amount of $2,751.90, for Block 262 Lot 42.01 Q C001 and $2,751.90 for Block 262 Lot 42.01 Q C002.

2. This resolution shall take place immediately.

NON-CONSENT AGENDA/RESOLUTIONS

The Borough Clerk read the following resolution:

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

RESOLUTION 75-2020

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; 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.

1. Potential Litigation - 150 Lincoln Boulevard & 242 Lincoln Boulevard
2. Litigation - OLMV
3. Personnel - Human Resource Manager/Payroll Clerk
4. Personnel - Confidential Assistant to Finance/Administration/Recreation Administration Assistant
5. Personnel - Municipal Clerk's Position

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	Jason Carr, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

The Borough Clerk read the following resolution:

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

RESOLUTION 76-2020

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:	Jason Carr, Councilman
SECONDER:	Jack Mikolajczyk, Council President
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

AGENDA WORKSHOP ITEM

1. Mountain View Park Phase II

Borough Administrator Karrow discussed the Phase II proposal that was sent regarding the scope of work the County approved in 2016 for Mountain View Park. She requested council review this proposal and discuss. The Administrator would like to include items council will be considering and put them in the capital budget, which she would like to introduce at the first meeting of June, after adoption of the 2020 budget. The Council will be reviewing this proposal and discuss at a later date. Also, Mayor Madden

requested that the Administrator separate what would be upgraded or installed on school property and what would be done on municipal property.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Evan Walters, 837 West Second Street

- Questioned if the Administrator could put the Mountain View Park Proposal for the County Grant on the website.

Frank Ryan, 303 Maple Street

- Would like everything connected to the former administration on hold until an audit is completed.

Rich Thomasey, 109 Greene Ave.

- Feels that the borough needs to define the area that is green acres and what is the borough property.
- Questioned what type of material is being discussed for the track, as a latex track will not last, and if a track is not needed, the borough should save the money and not replace it.

The above individuals concerns were addressed by Mayor Madden, Administrator Karrow, Attorney Corsini and Council members.

EXECUTIVE SESSION

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ADJOURNMENT

The next Regular Meeting will be February 25, 2020

Respectfully yours,

Borough Clerk