



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1300 Mountain Ave
Middlesex, NJ

Linda Chismar
732 356-7400 x238
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Tuesday, May 12, 2020

7:00 PM

Library

1. **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.
2. **SALUTE TO FLAG**
3. **ROLL CALL**

Attendee Name	Present	Absent	Late	Arrived
Mayor John Madden	☐	☐	☐	
Council President Jack Mikolajczyk	☐	☐	☐	
Councilman Jeremiah Carnes	☐	☐	☐	
Councilman Jason Carr	☐	☐	☐	
Councilman James Eodice	☐	☐	☐	
Councilwoman Amy Flood	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Administrator Marcia Karrow	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

4. **PRESENTATIONS**
5. **APPOINTMENTS**
 1. Councilman Carr to the Redevelopment Committee
 2. Councilman Rex to the Middlesex County Transportation Committee
 3. Councilwoman Flood as Alternate to the Middlesex County Transportation Committee
6. **PROCLAMATIONS**
7. **ORDINANCE(S) FOR INTRODUCTION**
8. **ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**
 1. **Ordinance 1996-20** AN ORDINANCE REPEALING SECTION 4-7 OF CHAPTER 4 (CRIMINAL BACKGROUND CHECK APPEAL PROCESS AND CRIMINAL BACKGROUND CHECK APPEAL PANEL) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX
9. **ADOPTION OF MINUTES**

1. Approval of the April 28, 2020 Regular Meeting Minutes

10. MAYOR'S REPORT

11. COUNCIL MEMBER REPORTS

1. Council President Mikolajczyk
2. Councilman Carnes
3. Councilman Carr
4. Councilman Eodice
5. Councilwoman Flood
6. Councilman Rex

12. ADMINISTRATOR'S REPORT

13. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 121-2020** Awarding the Bid for Leaf Bags for 2020 to Pabco Industries, LLC
2. **Resolution 122-2020** Extension of the Renewal Date for Junk Yard and Amusement Licenses from May 31, 2020 until August 31, 2020
3. **Resolution 123-2020** Reappointing Carmen Modica as Purchasing Agent for Middlesex Borough
4. **Resolution 124-2020** The Tax Collector is Hereby Authorized and Directed to Prepare and Issue Estimated Tax Bills for the Borough for the Third Installment of 2020 Taxes.
5. **Resolution 125-2020** Authorizing the Waiver of the Execution of a Developer's Agreement Pursuant to Section 56-47 of the Municipal Code of the Borough of Middlesex for the Property Known as 172-176 Baekeland Avenue, Lot 1, Block 341 (JLUB APP. NO. 2020-004)

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

1. **Resolution 126-2020** Pay All Claims
2. **Resolution 127-2020** Executive Session

16. AGENDA WORKSHOP ITEM

17. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

18. EXECUTIVE SESSION

1. Contract Negotiations - Rockefeller
2. Potential Litigation - 150 Lincoln Boulevard, 220-232 Lincoln Boulevard & 242 Lincoln Boulevard

19. ADJOURNMENT

1. The next Regular Meeting will be May 26, 2020

20. Statement

ORDINANCE #1996-20

AN ORDINANCE REPEALING SECTION 4-7 OF CHAPTER 4 (CRIMINAL BACKGROUND CHECK APPEAL PROCESS AND CRIMINAL BACKGROUND CHECK APPEAL PANEL) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX

WHEREAS, the process for conducting background checks for employees and volunteers of programs or services conducted by the Borough for the Borough's minor residents is found in Chapter 4 of the Municipal Code of the Borough of Middlesex; and

WHEREAS, Section 4-7 of the Municipal Code of the Borough of Middlesex contains an appeal provision for employees or volunteers who are disqualified from service due to an unfavorable background check; and

WHEREAS, in consultation with the Director of Recreation, the Administration has recommended the repeal of this appeals process; 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 Section 4-7 of the Municipal Code of the Borough of Middlesex be repealed in its entirety.

SECTION I.

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

SECTION II.

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 III.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

INTRODUCED: April 28, 2020

DATE OF PUBLICATION:
OF INTRODUCTION May 1, 2020

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

Resolution #121-2020

AWARDING THE BID FOR LEAF BAGS FOR 2020 TO PABCO INDUSTRIES, LLC

WHEREAS, one bid was received, opened and read in public on Wednesday, June 26, 2019 at 11:00 am prevailing time for Biodegradable & Recyclable Leaf Bags; and

WHEREAS, Pabco Industries, LLC from Newark, New Jersey submitted a bid as follows:

1st year - \$25,920.00
2nd year - \$31,620.00

WHEREAS, the Purchasing Agent recommends that Pabco Industries, LLC be awarded this contract for the amounts listed above, subject to the appropriation and availability of funds in the 2019 and 2020 budget.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the bid as submitted by Pabco Industries, LLC be and is hereby accepted for the second year for Biodegradable & Recyclable Leaf Bags in the amount of \$31,620.00.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds were appropriated for the 2019 adopted budget in account number G-02-16-770-000-104 the amount of \$25,920.00 for 1st year and \$31,620.00 for 2nd year in account number G-02-16-770-000-102.

Caroline Benson, Treasurer

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

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

Resolution #122-2020

**EXTENSION OF THE RENEWAL DATE FOR JUNK YARD AND AMUSEMENT
LICENSES FROM MAY 31, 2020 UNTIL AUGUST 31, 2020**

Due to the COVID 19 Pandemic that have affected the inspections that are required for the approval of the Amusement & Junk Yard Licenses, the Governing Body will be extending the renewal date for these Licenses from May 31, 2020 until August 31, 2020.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

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

Resolution #123-2020

REAPPOINTING CARMEN MODICA AS PURCHASING AGENT FOR MIDDLESEX BOROUGH

WHEREAS, after the resignation of the previous Qualified Purchasing Agent, Carmen Modica was appointed as the Middlesex Borough Purchasing Agent and is actively seeking certification as a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9; and

WHEREAS, re-appointment as purchasing agent prior to certification as a Qualified Purchasing Agent requires the approval of the director of Local Government Services in the New Jersey Department of community Affairs:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Carmen Modica, with the approval of the director of Local Government Services, be hereby re-appointed to the position of Borough Purchasing Agent for a term of one year.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

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

Resolution #124-2020

THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR THE BOROUGH FOR THE THIRD INSTALLMENT OF 2020 TAXES.

WHEREAS, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and,

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

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. The Borough of Middlesex Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2020 taxes. The Tax Collector shall proceed to take such actions as are permitted and required by P.L. 1994 c72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2020 is hereby set at \$46,978,305.97.

BE IT FURTHER RESOLVED, In accordance with law, the third installment of 2020 taxes shall not be subject to interest until the later of August 10th or the twenty fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

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

Resolution #125-2020

AUTHORIZING THE WAIVER OF THE EXECUTION OF A DEVELOPER'S AGREEMENT PURSUANT TO SECTION 56-47 OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX FOR THE PROPERTY KNOWN AS 172-176 BAEKELAND AVENUE, LOT 1, BLOCK 341 (JLUB APP. NO. 2020-004)

WHEREAS, Section 56-47 of the Municipal Code of the Borough of Middlesex requires the execution of a developer's agreement between an applicant and a developer upon the granting of final site plan approval by the Joint Land Use Board of the Borough of Middlesex; and

WHEREAS, on March 11, 2020, the Joint Land Use Board granted preliminary and final site plan approval to the applicant Veolia ES Technical Solutions, LLC, for the property located at 172-176 Baekeland Avenue, Lot 1 of Block 341 in the HI-Heavy Industrial Zone, with the resolution of said Board attached hereto; and

WHEREAS, Paragraph 5 of the substantive portion of the resolution of the Board directs the Applicant to "request a waiver of the municipal requirement for a Developer's Agreement of from Governing Body" which Applicant has done through correspondence to the Borough dated April 23, 2020 as attached hereto; and

WHEREAS, Applicant has noted that the proposed improvements consist of a proposed addition of a second floor to one of the buildings on the site, and the subject of this application is only for that upward expansion. As a result, there will be little to no site work on the property, and in consideration of same, waiver of the Borough's requirement for a developer's agreement is appropriate; and

WHEREAS, having reviewed the resolution of the Joint Land Use Board and having considered the recommendation of same, the Borough Council desires to grant the Applicant's request and waive the Developer's Agreement requirement of Section 56-47 of the Municipal Code of the Borough of Middlesex; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby waive the Developer's Agreement requirement of Section 56-47 of the Municipal Code of the Borough of Middlesex for the project approved in JLUB App. No. 2020-004 and granting preliminary and final site plan approval to Veolia ES Technical Solutions LLC, for the property located at 172-176 Baekeland Avenue (Lot 1 of Block 341).

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

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

Resolution #126-2020

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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.

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

Resolution #127-2020

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. Contract Negotiations - Rockefeller
2. Potential Litigation - 242 Lincoln Boulevard, 150 Lincoln Boulevard & 220-232 Lincoln Boulevard

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 12, 2020.