



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1300 Mountain Ave
Middlesex, NJ

Linda Chismar
732 356-7400 x238
www.middlesexboro-nj.gov

Tuesday, May 12, 2020

7:00 PM

Library

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 before we begin, because the public listening to this meeting by telephone may have trouble discerning who is making motions and seconds when multiple Council Members speak, I am again requesting that the Council President make all motions and that Councilman Eodice make all seconds. All Council Members did not object to this request.

PRESENTATIONS

APPOINTMENTS

1. Councilman Carr to the Redevelopment Committee

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

2. Councilman Rex to the Middlesex County Transportation Committee

This appointment was removed from the Agenda as Councilman Rex was appointed at the January 1, 2020 Reorganization Meeting to the Middlesex County Transportation Committee.

3. Councilwoman Flood as Alternate to the Middlesex County Transportation Committee

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1996-20 by title:

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.

Mayor Madden opened the Public Hearing on Ordinance No. 1996-20.

Rich Rutkowski questioned why the governing body was repealing the criminal background check and appeal process.

Administrator Karrow responded to Mr. Rutkowski.

Seeing that there were no further comments, Mayor Madden closed the Public Hearing on Ordinance No. 1996-20.

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

ADOPTION OF MINUTES**1. Approval of the April 28, 2020 Regular Meeting Minutes**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

MAYOR'S REPORT

Mayor Madden had nothing to report.

COUNCIL MEMBER REPORTS

Council President Mikolajczyk

Council President Mikolajczyk had nothing to report.

Councilman Carnes

Councilman Carnes reported that regarding the Joint Land Use Board everything has be pushed back to later pending dates and would be updating at the next meeting.

In regard to the trash pick up, the DPW has been met with a unique challenge in recent days. The enforcement of placing trash in proper containers led to an unfortunate confusion due to Covid19. All trash needs to be in a container this can be a trash can or plastic bin, the DPW also has around 100 recycling bins that can be purchased so there is no need to go to a store and put yourself at risk as well. As of now, please remove lids to protect our DPW workers.

Also, Coffee with Council is currently on hold and being researched on how to be held on a virtual platform that is productive for our residents.

Councilman Carnes also indicated that the Culture and Heritage Committee is still in the formation phase and will be meeting with potential members this Thursday via conference call.

Councilman Carr

Councilman Carr had nothing to report.

Councilman Eodice

Councilman Eodice had nothing to report

Councilwoman Flood

Councilwoman Flood reported that the Housing and Community Development Committee has not met since the last Council Meeting.

The Recreation Committee met yesterday, May 11th through a dial in phone conference. There was a discussion about how Summer Playground might take place with Social Distancing guidelines in place. There are many things to consider, and no decision has been made.

There is hope Fall Soccer will take place but will likely begin later than usual.

Councilman Rex

Councilman Rex reported that the May 14th Shade Tree Meeting has been rescheduled until May 21. This meeting will be remotely held via dial in. Due to COVID 19 the NJ Forestry Service Nursery has changed the annual seedling distribution process. Due to limitations with social distancing and reduced staffing they are unable to ship the seedlings. A Shade Tree member has volunteered to pick up our order. Presently the commission is considering a planting of these seedlings during the week of May 26th. along Raritan Ave. Proper social distancing with PPE protection will be followed. This planting will be addressed at the May 21st meeting.

In regard to the Office of Senior Services, Councilman Rex has been in contact with both Melissa and Sally. They are both busy handling distribution of the Meal on Wheels Program. He did not have any numbers for meals delivered but is sure, if anything, the number is similar or greater than last report.

ADMINISTRATOR'S REPORT

Administrator's Report

May 12, 2020

*Items with asterices * have updates*

i. ***COVID update**

ii. **Flood Management:**

iii. **Update on Sewer Projects:**

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

- iv. Update on Other Public Works Projects:
 - i. ***Streetscape Project**
 - ii. Safe Routes to Schools - no update
 - iii. Road Design (2019 DOT Grant)
 - iv. ***Road Design (2020 DOT Grant)**
 - v. Road Design (2021 DOT Grant)

- v. Update on Other Projects:
 - i. ***Mountain View Park**

- vi. Video Taping of Meetings
- vii. Miscellaneous
 - i. Dredging of Lake/Mosquito Control Commission
 - ii. ***Budget**
 - iii. Eagle scout project - dog park
 - iv. Presentations at Upcoming Meetings
 - v. ***JIF MEL Training Credit**
 - vi. Reminder to all boards and commissions Financial Disclosure Statements due
 - vii. Bullet Proof Glass purchase
 - viii. Extension of Additional Licenses
 - ix. Extension of Tax Appeals
 - x. School District Shared Services
 - xi. ***Resolution 125-20**

PRIVILEGE OF THE FLOOR

Mayor Madden opened the public portion of the meeting and The Deputy Clerk received the following comments

Rich Thomasey, 109 Greene Ave.

- Are there any open (JLUB) applications that are under any type of time constraint to be resolved.
- Would failure to act on an application result in the applicant getting approval?
- Is there some time limit, say 120 days, to act on an application? If yes have they been suspended?
- Mr. Thomasey also stated that "we cannot allow a developer to move forward by default!"

Dave Polakiewicz, 240 Hazelwood Ave.

- Why are the three properties owned by Forte Real Estate listed on tonight's executive session agenda as potential litigation? They have been listed this way off and on for several months. Taxpayers deserve an explanation.
- Was the second quarter PILOT payment made for The Lofts by yesterday's deadline? If so, how much was

paid?

- Why does the town web site not allow visitors to check on the status of PILOT payments like it does for properties that are assessed regular property taxes?
- I assume that Rockefeller Group's listing on tonight's executive session means PILOT negotiations are starting. Why should taxpayers have any confidence that a PILOT granted to Rockefeller won't be as problematic as those granted to Forte?

Administrator Karrow responded to all questions from the public that were emailed to the Deputy Clerk.

Mayor Madden then recessed the meeting for 5 minutes to allow the public to email any additional questions and/or comments to the Borough Administrator to discuss during the privilege of the floor. A motion was made by Councilman Mikolajczyk and seconded by Councilman Eodice.

After the recess Mayor Madden addressed the Borough Administrator regarding any additional questions and/or comments she may have received during the 5 minute recess. Borough Administrator Karrow indicated that she did receive the comment below:

Kevin Redzinski, 441 Fairview Ave

- To correct the Administrator's comment on the PILOTS this is not a completely different administration which I feel is a big part of the reason there are questions and doubts going forward with PILOT programs.

Mayor Madden then took comments from the Public in attendance:

Joe DeScenza, 321 Salvatore Ave.

- Stated that Veolia leases the property on Baekeland and that a portion of the property is being remediated. Mr. DeScenza explained the original application which was done 3 years ago and now they are adding a second floor on the same footprint. He explained the process and stated that Veolia does not deal in drums, they deal in small containers and usually little vans pick up the product and they are delivered to the disposal site.
- Mr. DeScenza also mentioned that with all the garbage companies in town why can't one of them lend a "roll off" to the borough

Rich Rutkowski, 211 Maple Street

- Thanked Councilwoman Flood for asking questions.
- Suggested that the DPW rent a roll off truck for the Recycling Center for "one day" and keep the Center opened for the whole week.
- Discussed the current redevelopment plan and how it allows for additional height or embellishments on corners which make it actually look like a 7 story building)
- A statement in the Redevelopment Plan which involves an increase in the permitted floor area & density, or height of the principal structure which exceeds by 10 feet or 10% the maximum height permitted, shall be permitted by an amendment of the plan by the governing body and only upon a finding that such deviation would be consistent with the furtherance of the goals and objectives of this plan, which allows to possible open to further increases in floor height.
- Compared South Bound Brook District Factor Group to Middlesex Borough and questioned why they could develop 3 story buildings and we are allowing 5 and 6 story buildings.
- Why would be build more apartments as the vast majority of COVID-19 cases are from two apartment complexes in town
- Questioned each Councilmember as to whether a 70 foot apartment building fits into the lifestyle that we all know and enjoy in the Borough.

Seeing that there were no further comments, Mayor Madden closed the Public Portion of the Meeting.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, 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 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

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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. - *Item Removed from Consent*

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

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 1]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Councilman
AYES:	Carnes, Carr, Eodice, Flood, Rex
NAYS:	Mikolajczyk

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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) - *Item Removed from Consent*

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).

Councilwoman Flood made a motion to table this resolution seconded by Council President Mikolajczyk and carried by the following roll call vote: Ayes: Carnes & Flood. No: Mikolajczyk, Carr, Eodice and Rex. Abstain: None.

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 1]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Rex
NAYS:	Flood

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 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, 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 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

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

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

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

ADJOURNMENT

The next Regular Meeting will be May 26, 2020

Respectfully yours,

Borough Clerk