



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

Access to be Posted on Boro Website
Middlesex,, NJ

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

Tuesday, May 26, 2020

7:00 PM

Remote Telephone Meeting

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 holding a Council Meeting remotely is difficult and in order to facilitate a smoother meeting, and in consultation with our Attorney, he is requesting that the Council President make all motions and that Councilman Carr make all seconds. All Council Members did not object to this request.

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

Mayor Madden indicated the first two ordinances pertain to the Rockefeller Redevelopment Project on Baekeland Avenue. All of the documents will be available tomorrow on our website allowing the public almost two full weeks to read and digest the content prior to the public hearings. Joining in on the meeting tonight is

Redevelopment Attorney Steve Warner and Bond Counsel Christopher Walrath. A synopsis of the Redevelopment Area Bonds and the Financial Agreement was given by both Attorneys. Attorney Warner focused his synopsis of the steps that RG Middlesex Urban Renewal LLC followed, including the process that was taken with the Planning Board and their presentation to the Borough Council. Attorney Walrath explained the financial aspect of the project, which includes the explanation of the Financial Agreement and the revenue that this Agreement will generate to the Borough. Both Attorney Warner and Attorney Walrath indicated that they will be available at the Public Hearing for these ordinances which is scheduled to be held on June 9, 2020.

The Borough Clerk read ordinance 1997-20 by title:

ORDINANCE 1997-20

BOND ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING THE ISSUANCE OF REDEVELOPMENT AREA BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST OF CERTAIN INFRASTRUCTURE IMPROVEMENTS RELATING RG MIDDLESEX URBAN RENEWAL LLC

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Redevelopment Law confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Redevelopment Law, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the “**Borough**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Redevelopment Law; and

WHEREAS, on May 28, 2019, the Borough adopted Resolution No. 135-2019 designating an area of property located at 65 Baekeland Avenue (the former Union Carbide Corporation facility) and shown as Block 353, Lots 1.01 and 1.02 on the Borough of Middlesex Tax Map, as an area in need of redevelopment pursuant to the Redevelopment Law (the “**Redevelopment Area**”); and

WHEREAS, on September 10, 2019, the Borough adopted Ordinance No. 1974-19 approving a redevelopment plan for the Redevelopment Area (the “**Redevelopment Plan**”); and

WHEREAS, RG Middlesex Urban Renewal LLC, a New Jersey limited liability company (the “**Redeveloper**”), has proposed to undertake a redevelopment project in accordance with the Redevelopment Plan, consisting of the construction of an approximately 400,000 square foot warehouse/distribution building (the “**Redevelopment Project**”) in the Redevelopment Area; and

WHEREAS, the Borough has deemed the Redeveloper to be qualified to own and operate and complete construction of the Redevelopment Project; and

WHEREAS, the Redevelopment Project will require, among other items, the construction of certain infrastructure improvements, relocations and improvements in and around the Redevelopment Area, including without limitation, such items as water and sewer infrastructure, road improvements, sidewalks, driveway improvements, turn lanes and drainage facilities, and including (i) improvements to River Road required by Middlesex County, and (ii) improvements required by the planning board of the Borough as a condition to Preliminary/Final Site Plan Approval of the Redevelopment Project, including improvements to Baekeland Avenue (collectively, the **"Infrastructure Improvements"**); and

WHEREAS, despite the Redeveloper's investment of equity and borrowed funds, such amounts are insufficient to pay for all of the costs associated with the development and construction of the Redevelopment Project; and

WHEREAS, in order to defray certain eligible costs of the Redevelopment Project, specifically the Infrastructure Improvements, thereby making the Redevelopment Project viable, the Borough agreed to issue general obligation bonds in one or more series in an aggregate principal amount not to exceed \$750,000 (the **"RABs"** or **"Bonds"**) pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 *et seq.*, (the **"RAB Law"**, as further defined herein) and/or the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the **"Local Bond Law"**), as applicable; and

WHEREAS, the Redeveloper has represented to the Borough that financial assistance is necessary in order for the Redevelopment Project to be undertaken in its intended scope; and

WHEREAS, the Borough desires to authorize the issuance of Bonds in an amount not to exceed \$750,000 to fund the Infrastructure Improvements; and

WHEREAS, the Borough will use the proceeds of the Bonds to finance the Infrastructure Improvements described in Section 3 of this bond ordinance.

NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough as general and local improvements, as described in more detail herein. For the improvements and purposes described in Section 3, there is hereby appropriated the sum of \$750,000. Pursuant to Section 37 of the Redevelopment Law (N.J.S.A. 40A:12A-37c(2)), no down payment is required, notwithstanding the requirements of Section 11 of the Local Bond Law, because the improvements and purposes set forth in Section 3 constitute a "redevelopment project" under the Redevelopment Law.

Section 2 In order to finance the cost of the several improvements and purposes described in Section 3, negotiable bonds are hereby authorized to be issued pursuant to the Local Bond Law and the Redevelopment Law in a principal amount not to exceed \$750,000. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law and the Redevelopment Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds are to be issued, include the construction of the Infrastructure Improvements, constituting a portion of the Redevelopment Project, which constitutes a "redevelopment project" under the Redevelopment Law, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements and purposes is as stated in Section 2 hereof.

(c) The estimated costs of the improvements and purposes are equal to the amount of the appropriations herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law and the Redevelopment Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. Notice is hereby given to RG Middlesex Urban Renewal LLC, with its principal place of business at 92 Headquarters Plaza, North Tower, 9th Floor, Morristown, New Jersey 07960, the owners of Block 353, Lots 1.01 and 1.02, the parcels of real estate benefitted by the improvements described in Section 3(a) hereof, and its/their successors and assigns, that the Borough intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount not to exceed \$750,000.00 (plus such amounts as are necessary to finance the aforesaid amount). Such special assessment shall be made and levied in the manner provided by law and, pursuant to Section 3 of the RAB Law (N.J.S.A. 40A:12A-66c), such owner of the properties so benefitted shall accept such specific amount as the benefit conferred on such properties in lieu of the amount being determined by the procedures otherwise applicable to determining the actual benefit conferred on such properties.

Section 7. The owner of the land upon which an assessment for the local improvements shall have been made will pay such assessment in accordance with the terms and provisions of the agreement(s) referred to in Section 13 hereof. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall not become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements and purposes that the Borough lawfully may undertake as general and local improvements, and a portion of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) Pursuant to N.J.S.A. 40A:12A-37(c), the obligations authorized herein shall mature in annual installments commencing not more than two (2) and ending not more than forty (40) years from the date of issuance.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$750,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$750,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) The number of annual installments of bonds within which the special assessments are to be levied on the lots and parcels of real estate benefitted by the improvements is not to exceed 30.

(f) The maximum interest rate on the bonds shall be 9% without further authorization of the Borough Council, which authorization may be by resolution.

Section 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 10. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 13. The Mayor and Clerk are each hereby authorized to execute and attest one or more special assessment agreements evidencing the construction of the improvements more fully described in Section 3(a) above, which agreements may include provisions for establishing certain reserves by the Borough to secure debt service for the bonds. The special assessment agreement(s) shall be in a form substantially similar to the special assessment agreement attached as Exhibit E to the Redevelopment Agreement, such special assessment agreement(s) being hereby approved in full with such additions, deletions and modifications as are necessary to effectuate its/their purpose.

Section 14. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 6/9/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	Jason Carr, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

The Borough Clerk read ordinance 1998-20 by title:

ORDINANCE 1998-20

**ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX,
NEW JERSEY APPROVING THE APPLICATION OF AND THE EXECUTION OF A
FINANCIAL AGREEMENT WITH RG MIDDLESEX URBAN RENEWAL LLC IN
CONNECTION WITH THE UNDERTAKING OF A REDEVELOPMENT PROJECT BY RG
MIDDLESEX URBAN RENEWAL LLC**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Act**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the “**Borough**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, on May 28, 2019, the Borough adopted Resolution No. 135-2019 designating an area of property located at 65 Baekeland Avenue (the former Union Carbide Corporation facility) and shown as Block 353, Lots 1.01 and 1.02 on the Borough of Middlesex Tax Map, as an area in need of redevelopment pursuant to the Redevelopment Law (the “**Redevelopment Area**”); and

WHEREAS, on September 10, 2019, the Borough adopted Ordinance No. 1974-19 approving a redevelopment plan for the Redevelopment Area (the “**Redevelopment Plan**”); and

WHEREAS, RG Middlesex Urban Renewal LLC, a New Jersey limited liability company (the “**Redeveloper**”), has proposed to undertake a redevelopment project in accordance with the Redevelopment Plan, consisting of the construction of an approximately 400,000 square foot warehouse/distribution building (the “**Redevelopment Project**”) in the Redevelopment Area; and

WHEREAS, the Borough has deemed the Redeveloper to be qualified to own and operate and complete construction of the Redevelopment Project; and

WHEREAS, the Redevelopment Project will require, among other items, the construction of certain infrastructure improvements, relocations and improvements in and around the Redevelopment Area, including without limitation, such items as water and sewer infrastructure, road improvements, sidewalks, driveway improvements, turn lanes and drainage facilities, and including (i) improvements to River Road required by Middlesex County, and (ii) improvements required by the planning board of the Borough as a condition to Preliminary/Final Site Plan Approval of the Redevelopment Project, including improvements to Baekeland Avenue (collectively, the “**Infrastructure Improvements**”); and

WHEREAS, despite the Redeveloper’s investment of equity and borrowed funds, such amounts are insufficient to feasibly pay for all of the costs associated with the development and construction of the Redevelopment Project; and

WHEREAS, in order to defray certain eligible costs of the Redevelopment Project, specifically the Infrastructure Improvements, thereby making the Redevelopment Project viable, the Borough agreed to issue general obligation bonds in one or more series in an aggregate principal amount not to exceed \$750,000 (the "**Bonds**") pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 *et seq.*, (the "**RAB Law**") and/or the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "**Local Bond Law**"), as applicable; and

WHEREAS, the Redeveloper has represented to the Borough that financial assistance is necessary in order for the Redevelopment Project to be undertaken in its intended scope; and

WHEREAS, the Borough has conceptually agreed to provide such financial assistance subject to certain terms and conditions acceptable to the Mayor and Borough Council; and

WHEREAS, the Borough and the Redeveloper will enter into a redevelopment agreement setting forth, among other things, the obligations of the Redeveloper with respect to the Redevelopment Project and the conditions upon which, in addition to the conditions set forth in the Financial Agreement (as hereinafter defined), the Borough will issue the Bonds; and

WHEREAS, the Borough will adopt an ordinance (the "**Bond Ordinance**") to authorize the issuance of the Bonds in an amount not to exceed \$750,000 to fund the Infrastructure Improvements; and

WHEREAS, the Borough will use the proceeds of the Bonds to finance the Infrastructure Improvements (the "**Financing Project**"); and

WHEREAS, the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the "**Long Term Tax Exemption Law**") and the RAB Law authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper and each subsequent owner of the Redevelopment Project (the "**Owner**") to the Borough; and

WHEREAS, the Owner shall make payment of an annual service charge (the "**Annual Service Charge**") to the Borough, which the Borough may use to pay, among other things, debt service on the Bonds and other Borough costs; and

WHEREAS, in connection with the Redevelopment Project, the Redeveloper filed an application (the "**Application**"), with the Mayor of the Borough for approval of a long term tax exemption for the Redevelopment Project; and

WHEREAS, in order to satisfy the requirements of the Long Term Tax Exemption Law and to set forth the terms and conditions under which the Borough and the Redeveloper shall carry out their respective obligations with respect to (a) the payment of the Annual Service Charge by the Owner, in lieu of real property taxes on the Redevelopment Project improvements, and (b) the issuance of the Bonds by the Borough to finance the Financing Project, the Borough and the Redeveloper have determined to execute a financial agreement (the "**Financial Agreement**"), substantially in the form of which is attached hereto as Exhibit A; and

WHEREAS, the Mayor, together with counsel for the Borough, has reviewed the Application and found that it complies with the provisions of the Long Term Tax Exemption Law; and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Borough Council with his recommendation for approval, and copies of each are on file with the Borough Clerk; and

WHEREAS, the Borough Council hereby finds that the relevant benefits of Redevelopment Project outweigh the loss, if any, of property tax revenue in granting the long term tax exemption requested in the Application; and

WHEREAS, the Borough Council further finds that the assistance provided to the Redevelopment Project pursuant to the Financial Agreement will be a significant inducement for the Redeveloper to proceed with the Redevelopment Project.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex as follows:

Section 1. The Application and form of Financial Agreement are hereby approved.

Section 2. The Mayor is hereby authorized and directed to execute the Financial Agreement with the Redeveloper in substantially the same form attached hereto as Exhibit A, subject to modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 3. The Clerk of the Borough is hereby authorized and directed, upon the execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough thereon.

Section 4. Executed copies of the Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough, and County Counsel and the Chief Financial Officer of Middlesex County within 10 days of the execution of the Financial Agreement.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with law.

EXHIBIT A

Financial Agreement

RESULT:	FIRST READING [UNANIMOUS]	Next: 6/9/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	Jason Carr, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

The Borough Clerk read ordinance 1999-20 by title:

ORDINANCE 1999-20

**CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$143,828.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5%, amounting to \$503,401.32 and that the CY 2020 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESULT:	FIRST READING [UNANIMOUS]	Next: 6/9/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	Jason Carr, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the May 12, 2020 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden stated that it has been brought to his attention that council is not asking questions in public regarding important matters and therefore at the Reorganization Meeting he directed the Business Administrator to share documents and other resources thereby providing additional layers of checks and balances for all council members and the Mayor to understand, which was never done, and it allows for more transparency.

COUNCIL MEMBER REPORTS

Council President Mikolajczyk

Council President Mikolajczyk had nothing to report.

Councilman Carnes

In regard to the Joint Land Use Board Councilman Carnes reported that the next meeting will be held on May 27th at 7:30pm at the Recreation Center. The change in venue is to ensure we're following the proper social distancing policies.

Councilman Carnes congratulated Mr. Dave Butera on his retirement and thanked him for his many years of service to our community.

Councilman Carnes stated that there were no current updates to the Arts & Culture Committee and that coffee with the Council has been put on hold at this time.

Councilman Carr

Councilman Carr had nothing to report.

Councilman Eodice

Councilman Eodice reported that the Board of Health did adopt an extension to the renewals for their Board of Health licenses which will now expire August 31, 2020. This is a help to our small businesses.

In consulting with the OEM he was assured that the Borough has an ample supply of PPE. As we are flattening the curve, we hope to open up more as time goes by.

Councilwoman Flood

Councilman Rex

Councilman Rex reported that Shade Tree held a remote meeting on May 21st, which the first meeting in 2 months due to COVID 19. The Commission discussed multiple requests to look at concerns of trees on borough property. Various members volunteered to look at the trees on these properties. Their observations and appropriate action, to be taken will be discussed at next meeting.

A member volunteered to pick up approximately 100 seedling trees from the Jackson NJ Forestry location. Plans were discussed for planting to take place along the western side of Raritan Ave., between Lincoln Blvd and Rt. 28, with a date to be determined. The Chairman will call DPW to have them call the appropriate utility for marking for when the trees are planted. They are being asked to do this for any potential liability issues. The Commission also will ask the DPW if they have any extra chicken wire or fencing to protect the seedlings. In addition, they spoke about possibly getting free animal deterrent to apply during planting. A large number of seedlings being picked up, so the Commission discussed other planting locations. A member will speak with the Pastor at OMLV to discuss a planting along the North side of Voorhees Avenue on the right of way.

Councilman Rex indicated that Melissa and Sally remain busy scheduling and coordinating the various active Senior programs. The biweekly Meals on Wheels Program delivered 500 plus meals this month. We have to thank both the Middlesex Police and the various volunteers for their support and help during these stressful times. Special thanks to the Friends of Middlesex Borough for their funding - our local restaurants including Jozana's Casual Italian, Ellery's Neighborhood Pub and Grill, Carpaccio Ristorante, Ferraro's Pizzeria and Pub, Sabor 3 Colores, A&G Catering and Deli, Tim Kerwin's. Friendly Tavern, Sal's Family Deli and Vincenzo's Fine Italian Cuisine. Special thanks to McDonald's Restaurant for donating 150 meals and to Superfood Marketplace for their donation of 100 " care packages " containing canned and dry food, fresh fruit, and paper products.

ADMINISTRATOR'S REPORT**Administrator's Report****May 26, 2020***Items with asterics * 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. School District Shared Services

PRIVILEGE OF THE FLOOR

The Deputy Clerk read the following comments that she received for the Public Portion of the Meeting:

Rich Thomasey, 109 Greene Ave requested that the Mayor and Council please consider the school system and the loss of millions of dollars for education and reject any further PILOT agreements with any developer in Middlesex.

While this warehouse complex will bring in additional tax dollars, the building will also bring added problems that may not be evident right now. As far as a PILOT agreement being an incentive, it has been minimized because the area is already the home of many similar buildings.

Using the ex-mayors figures spoken at a Council meeting I attended, he said that regular taxation on the apartments located at 150 Lincoln Blvd would be around \$500,000.00 per year. Last year, they brought in \$325,000 with the PILOT and not a dime went to education. If no PILOT was granted and 150 Lincoln was taxed at the regular rate that we all pay, the school would have received \$290,000.00 per year or \$8,700,000.00 over the life of the PILOT agreement. That is a lot of money lost! While the PILOT will bring in \$9,750,000.00, it would have been \$15,000,000.00 under regular taxation. This \$5,250,000.00 lost money is too much for Middlesex taxpayers to assume.

I really thought the community vote in the election last November was one of direction change which meant, to no small degree, no more PILOT agreements. Am I mistaken?

Dave Polakiewicz, 240 Hazelwood Ave. stated that weeks ago it was mentioned that the municipality has been picking up certain school-related expenses for years. What changes are reflected in that area in the 2020 budget introduced tonight? Are school trash collection and sewage processing still being funded by the municipality? If so, when will those and other responsibilities being handed back to the BOE?

Mayor Madden 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 Council President Mikolajczyk and seconded by Councilman Carr.

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 read the following questions and/or comments that she received.

Rich Rutkowski, 211 Maple Street questioned who the principals of Rockefeller Group were?

From Bob Edwards, 243 Hazelwood Avenue questioned how many PILOT programs does Middlesex Borough currently have with developers? Of these programs, how many are not current with their payments? How much in dollars are they in arrears?

Dave Polakiewicz, 240 Hazelwood Avenue questioned that someone paid \$100 in municipal property taxes under the 2019 budget, how much will they pay in 2020? What is the percentage increase in the municipal portion of the tax bill with the new budget? i'm asking about amount to be paid by taxpayers out of pocket, not what's appropriated or been cut. We still haven't heard bottom line what is coming out of our pockets. We should be told this amount before any formal steps to approve by the council.

Kevin Redzinski, 441 Fairview Avenue stated that regarding the costs connected to processing the school districts waste and recycling. The town has managed to do this for decades without so much as a mention so clearly it was inside of the town's operating costs. Now, due to no fault of the residents, it is not. What will happen is the schools operating budget goes up and the residents will pay for it, I don't see this as being something the school district will be willing or able to just absorb.

Mayor Madden and Administrator Karrow responded to all questions and/or comments that were received.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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 128-2020

INTRODUCTION OF THE 2020 MUNICIPAL BUDGET

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2020.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020;

BE IT FURTHER RESOLVED, that said Budget be published in the Courier News, NJ in the issue of June 5, 2020.

The Governing Body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2020:

General Appropriations:	
Appropriations Within "CAPS"	\$14,632,752.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	\$5,542,419.59
Municipal Purposes	
Reserve for Uncollected Taxes - Based on	
Estimated 98+ Percent of Tax	\$750,000.00
Collections	
 Total General Appropriations	 \$20,925,171.59
 Less: Anticipated Revenues Other Than	
Current Property Tax	\$7,020,259.01
 Difference: Amount to be Raised by	
Taxation	
For Support of Municipal Budget	
Local Tax for Municipal Purposes	
Including	
Reserve for Uncollected Taxes	\$13,904,912.58
 Municipal Library Tax	 \$513,606.00
 Swimming Pool Utility Operating Fund	
Total Swimming Pool Revenues	\$405,028.00
 Total Swimming Appropriations	 \$405,028.00

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex on May 26, 2020.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on June 23, 2020 at 7:00 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

The Borough Clerk read the following resolution:

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

RESOLUTION 129-2020

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the April, 2020 Police Report

The Borough Clerk read the following resolution:

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

RESOLUTION 130-2020

**ACCEPTING THE RESIGNATION OF JORGE NAVARRO FROM THE DPW EFFECTIVE
MAY 5, 2020**

The Mayor and Council hereby terminate the employment of Jorge Navarro effective May 5, 2020. He has been paid in full as of the payroll of May 8, 2020.

The Borough Clerk read the following resolution:

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

RESOLUTION 131-2020

**ACCEPTING THE RETIREMENT OF DAVE BUTERA FROM THE DEPARTMENT OF
PUBLIC WORKS EFFECTIVE JUNE 1, 2020 AND AUTHORIZING THE TREASURER TO
PAY HIS FULL ALLOWANCE OF \$9,118.96 IN ACCORDANCE WITH THE PERSONAL
POLICY**

The Mayor and Council hereby accept Dave Butera's retirement effective June 1, 2020 and authorize the Treasurer to pay the full allowance of \$9,118.96 in accordance with the personnel policy in the next regular Borough payroll of June 5, 2020. The benefits include the following:

23 Days Vacation Time	\$ 6,765.68
8 Days Sick Time	\$ 2,353.28

TOTAL	\$ 9,118.96
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The Borough Clerk read the following resolution:

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

RESOLUTION 132-2020

**AWARDING THE JANITORIAL/CLEANING SERVICES FOR THE RECREATION/SENIOR
BUILDING TO BK & J SPOTLESS, LLC EFFECTIVE JULY 1, 2020 - JULY 1, 2021**

WHEREAS, request for quotes were received May 14, 2020 for Janitorial/Cleaning Services for the Recreation/Senior Building;

WHEREAS, there were three (3) quotes received, quotes listed below:

- 1) BK & J Spotless, LLC - \$17.50 per hour / \$1,050 monthly
- 2) Buildingstars Operations, Inc. - \$20.06 per hour / \$1,204 monthly
- 3) PJ Building Cleaning LLC - \$25.00 per hour / \$2,400 monthly

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the bid for Janitorial/Cleaning Services for five (5) days per week to BK & J Spotless, LLC for a one (1) year contract beginning July 1, 2020 and ending July 1, 2021.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount not to exceed \$13,000 are available in Account No. 0-01-26-310-000-105.

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 133-2020

**APPROVING JOSEPHMY NAZARIO AS LAND USE BOARD SECRETARY AND
ASSISTANT TACO AT \$15.00 PER HOUR PENDING A SATISFACTORY PHYSICAL
AND BACKGROUND CHECK**

The Governing Body hereby approves hiring Josephmy Nazario as Land Use Board secretary and Assistant TACO at \$15.00 per hour for 28 hours per week effective May 29, 2020, pending a satisfactory physical and background check.

The Borough Clerk read the following resolution:

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

RESOLUTION 134-2020

**AUTHORIZING A SELF-EXAMINATION OF THE 2020 MUNICIPAL BUDGET OF THE
MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Middlesex has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Middlesex that in accordance with N.J.A.C. 5:3-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement and content as required by Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimated of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

The Borough Clerk read the following resolution:

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

RESOLUTION 135-2020**PROMOTING DEPUTY CLERK LINDA CHISMAR, RMC/CMR TO MUNICIPAL CLERK/REGISTRAR EFFECTIVE IMMEDIATELY AT AN ANNUAL SALARY OF \$77,000**

At the recommendation of the Borough Administrator and the concurrence of the Mayor, the Governing Body hereby promotes Deputy Clerk Linda Chismar, RMC/CMR to the position of Municipal Clerk/Registrar for Middlesex Borough effective immediately at an annual salary of \$77,000.

The Borough Clerk read the following resolution:

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

RESOLUTION 136-2020**AUTHORIZING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICE AGREEMENT WITH RUTGERS UNIVERSITY BEHAVIORAL HEALTH CARE EAP AND THE BOROUGH OF MIDDLESEX EFFECTIVE JULY 1, 2020 - JUNE 30, 2021**

The Governing Body authorizes the Mayor to execute the Professional Service Agreement with Rutgers Biomedical and Health Sciences - University Behavioral Health Care and the Borough of Middlesex effective July 1, 2020 - June 30, 2021. At the expiration of this contract the Contract will automatically renew for an additional one year term.

The Borough Clerk read the following resolution:

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

RESOLUTION 137-2020**APPROVING THE PROPOSAL FROM REMINGTON & VERNICK ENGINEERS DATED OCTOBER 2, 2019 TO DO DESIGN WORK TO REPLACE THE PISCATAWAY SANITARY SEWER METERING STATION AT A COST NOT TO EXCEED \$270,000**

WHEREAS, the governing body received a proposal from Remington & Vernick Engineers dated October 2, 2019 for the design work for a bypass sewer system to replace the Piscataway Sanitary Sewer Metering Station; and

WHEREAS, the proposal for this project includes design work, NJ Environmental Infrastructure Trust application and coordination, permitting and bid documents;

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 hereby approves the proposal from Remington & Vernick Engineers, dated October 2, 2019 to do the design work to replace the Piscataway Sanitary Sewer Metering Station at a cost not to exceed \$270,000.00.
2. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Acting CFO hereby certifies that funds in the amount of \$270,000.00 are available in Account No. C04-17-907-000-050.

Caroline Benson, Acting CFO

The Borough Clerk read the following resolution:

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

RESOLUTION 138-2020

**ACCEPTING THE RETIREMENT OF SERGEANT MASTROGIOVANNI FROM THE
POLICE DEPARTMENT EFFECTIVE JUNE 1, 2020 AND AUTHORIZING THE
TREASURER TO PAY HIS FULL ALLOWANCE OF \$41,169.11 IN ACCORDANCE WITH
THE PBA UNION CONTRACT**

The Mayor and Council hereby accept Sgt Michael Mastrogiovanni's retirement effective June 1, 2020 and authorize the Treasurer to pay the full allowance of \$41,169.11 in accordance with the PBA Union Contract in the next regular Borough payroll of June 5, 2020. The benefits include the following:

188 Hours Vacation Time	\$ 11,266.84
208.25 Hours Compensatory Time	\$ 12,480.42
Clothing Allowance	\$ 1,600.00
33 Days Terminal Leave	\$ 15,821.85
TOTAL	\$ 41,169.11

The Borough Clerk read the following resolution:

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

RESOLUTION 139-2020

**AMENDING THE MIDDLESEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
FOR 2020**

The Governing Body of Middlesex Borough hereby agree to amend Resolution 78-2020, which was adopted on February 25, 2020 to remove from their 2020 Community Development Block Grant Application the Handicapped Table/Bench for Legion Park in the amount of \$6,212 and increase the Senior Van Driver salary to \$9,205. The resolution will be amended to reflect the changes below:

Senior Coordinator Salary	\$10,000
Senior Van Driver	\$ 9,205
Code Enforcement	\$10,575

Nutritional Program	\$ 6,500
Senior/Recreation/Rescue Squad Improvements	\$23,699
TOTAL	\$59,979

A copy of this resolution will be forwarded to the Middlesex County Housing and Community Development Office.

The Borough Clerk read the following resolution:

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

RESOLUTION 140-2020

APPROVING A REDEVELOPMENT AGREEMENT BY, AND BETWEEN, THE BOROUGH OF MIDDLESEX AND RG MIDDLESEX URBAN RENEWAL, LLC FOR PROPERTY COMMONLY KNOWN AS 65 BAEKELAND AVENUE (FORMER UNION CARBIDE CORPORATION FACILITY), BLOCK 353, LOTS 1.01 AND 1.02, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, improvements to property located within an area in need of rehabilitation or redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, *et seq.*, (the “LTTE Law”) and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64, *et seq.*, (the “RAB Law”); and

WHEREAS, on August 28, 2018, in accordance with all applicable provisions of the Redevelopment Law, the Borough Council of the Borough of Middlesex (the “Borough Council”) adopted Resolution No. 216-2018, which directed the Borough Planning Board (the “Board”) to undertake a preliminary investigation to determine whether or not certain lands located at 65 Baekeland Avenue (the former Union Carbide Corporation facility) and shown as Block 353, Lots 1.01 and 1.02 on the Borough of Middlesex Tax Map (the “Study Area”), should be designated as an “Area in Need of Redevelopment” in accordance with the Redevelopment Law; and

WHEREAS, the Board authorized Paul N. Ricci, P.P. (the “Planning Consultant”), to conduct the aforementioned preliminary investigation; and

WHEREAS, the Study Area is located at the southeastern corner of Baekeland Avenue and River Road, near the southernmost point of the Borough and adjacent to the municipal boundary with Piscataway Township. The parcels contained in the Study Area are adjacent to each other and were part of the former Union Carbide Corporation facility. The Study Area has a combined area of 30.3146 acres; and

WHEREAS, the Planning Consultant prepared a report entitled, “Redevelopment Study and Preliminary Investigation Report - Block 353, Lots 1.01 and 1.02 (Former Union Carbide Corporation Facility),” dated December 12, 2018; and

WHEREAS, on April 24, 2019, the Board conducted a duly noticed public hearing to consider whether the Study Area should be designated an Area in Need of Redevelopment without the powers of eminent domain, and recommended to the Borough Council that the Study Area should be so designated in accordance with N.J.S.A. 40A:12A-6 of the Redevelopment Law; and

WHEREAS, on May 28, 2019, the Borough Council adopted Resolution No. 135-2019, designating the Study Area as an Area in Need of Redevelopment without the powers of eminent domain (the “Non-Condensation Redevelopment Area”), pursuant to N.J.S.A. 40A:12A-6 of the Redevelopment Law, and directed the Board to prepare a Redevelopment Plan for the Study Area, pursuant to N.J.S.A. 40A:12A-7.f of the Redevelopment Law; and

WHEREAS, the Redevelopment Law authorizes the Borough to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in a redevelopment area; and

WHEREAS, on June 11, 2019, the Borough Council adopted Resolution No. 167-2019, conditionally designating RG Middlesex Urban Renewal, LLC, the contract purchaser of the Non-Condensation Redevelopment Area, as the redeveloper (the “Redeveloper”); and

WHEREAS, on September 10, 2019, the Borough Council adopted Ordinance No. 1974-19, approving and adopting a Redevelopment Plan for the Non-Condensation Redevelopment Area in accordance with N.J.S.A. 40A:12A-7 (the “Redevelopment Plan”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough has determined to act as the “Redevelopment Entity” (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Non-Condensation Redevelopment Area; and

WHEREAS, the Redeveloper submitted to the Borough Council a preliminary design plan for the Non-Condensation Redevelopment Area and submitted to the Planning Board an application for site plan approval regarding the construction of 400,000 square feet of industrial warehouse space with supporting utilities, driveway, street lighting, landscaping, and other site plan improvements (the “Project”); and

WHEREAS, on March 10, 2020, the Redeveloper appeared before the Borough Council and made a presentation addressing the requirements of the Redevelopment Plan; and

WHEREAS, the Borough Council has determined that the Redeveloper’s proposal is consistent with, and meets the goals of, the Redevelopment Plan, and is in the best interest of the Borough; and

WHEREAS, the Borough Council has determined that the Redeveloper possesses the proper qualifications, financial resources and capacity to implement and complete the

Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances, and regulations; and

WHEREAS, the provisions of the LTTE Law and the RAB Law authorize the Borough to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the LTTE Law), to be paid by the Redeveloper to the Borough in connection with the Project improvements pursuant to a financial agreement ("Financial Agreement") and to issue redevelopment area bonds to fund certain costs of the Project ("Redevelopment Bonds"); and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Mayor and Borough Council has determined that it is in the best interest of the Borough and its residents to enter into the attached Redevelopment Agreement with the Redeveloper, which Redevelopment Agreement designates the Redeveloper as the "Redeveloper" as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Borough and the Redeveloper with respect to the Non-Condemnation Redevelopment Area, conditioned on the adoption of the requisite ordinances implementing the proposed Financial Agreement and proposed Redevelopment Bonds financing for the Project; and

WHEREAS, if the Redeveloper fails to enter into a binding Financial Agreement or if the requisite ordinances implementing the proposed Financial Agreement and/or the proposed Redevelopment Bonds financing are not adopted by the Borough Council, the Redevelopment Agreement shall be subject to termination and the conditional designation of the Redeveloper may be vacated; and

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

1. The aforementioned recitals are incorporated by reference as if fully set forth herein.
2. The Mayor is hereby authorized to execute the Redevelopment Agreement in the form annexed hereto, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
3. RG Middlesex Urban Renewal, LLC is hereby conditionally designated as the Redeveloper of Block 353, Lots 1.01 and 1.02 in accordance with the Redevelopment Plan.
4. The Borough Clerk is hereby authorized and directed to attest to the signature of the Mayor and affix the corporate seal of the Borough upon the Redevelopment Agreement in the form annexed hereto.
5. The Borough Clerk is hereby directed to forward executed copies of the Redevelopment Agreement to the Borough Attorney and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to counsel for the Redeveloper. The Borough Clerk shall retain at least one (1) fully executed copy of the Redevelopment Agreement on file in her office.

6. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as is necessary to effectuate the terms of the Redevelopment Agreement, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.
7. This Resolution shall take effect immediately upon adoption.

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 141-2020

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:	Jason Carr, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

ADJOURNMENT

The next Regular Meeting will be June 9, 2020

Respectfully yours,

Borough Clerk