



Borough of Middlesex

Mayor and Council Regular Meeting

1200 Mountain Ave
Middlesex, NJ

~ Minutes ~

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, March 26, 2019

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

1. Mayor DiMura made a motion to add 2 appointments to the Board of Health and also add to the Workshop Agenda discussion on a waiver for a Developer's Agreement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Douglas Rex, Council Member
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

ROLL CALL

Mayor Ron DiMura
Council President John Madden
Council Member Douglas Rex
Council Member Jason Carr
Council Member Dan Parenti
Council Member Kevin Dotey
Council Member Jack Mikolajczyk

Also Present:

Others Absent:

Attorney Corsini was present at the meeting.

Also in attendance from Middlesex High School for the 2019 Elks Youth Shadow Program were: Josephine Basch, David Hendricks, Emmanuel Worede-Kal, Karla Gomez Matos, Madison Johnson, Connor Gould, and Julianna Arocho.

PRESENTATIONS

There were no Presentations at this meeting.

APPOINTMENTS

Mayor DiMura appointed Jackie Giardino and Steve Emmerts to the Middlesex Board of Health seconded by Councilman Dotey and carried by a unanimous vote of Council.

PROCLAMATIONS

The Borough Clerk announced March 25, 2019 - March 27, 2019 Elk's Youth Week and April 1, 2019 - April 21, 2019 Distracted Driving Crackdown.

1. Elk's Youth Week - March 25, 2019 - March 27, 2019

WHEREAS, the Benevolent and Protective Order of Elks has designated the week of March 25, 2019 as Elk's Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition to their services to Community, State and Nation; and

WHEREAS, Middlesex Elks 1488 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW THEREFORE, I Ronald J. DiMura, Mayor of the Borough of Middlesex do hereby proclaim the week of March 25, 2019 as Elk's Youth Week and urge all departments of government, civic, fraternal and patriotic groups and our citizens generally, to participate wholeheartedly in its observance.

2. Distracted Driving Crackdown - April 1, 2019 - April 21, 2019

WHEREAS, Distracted driving is a dangerous epidemic on America's roadways, and

WHEREAS, Distracted driving kills with thousands of people and injures nearly one half million others each year, and

WHEREAS, in 2015 alone distracted driving-related crashes resulted in 3,477 deaths and 391,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in nearly 750,000 crashes between 2011-2015; and

WHEREAS, Driver inattention was in fact listed as a contributing factor in crashes at a rate nine times higher than that of the next highest contributing factor (speed); and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, the State of New Jersey Division of Highway Traffic Safety is providing grants to municipalities for police officers, on an overtime basis, to conduct special enforcement patrols targeting distracted drivers from April 1 - 21, 2019. The patrols will consist of roving patrols and fixed checkpoints. The grant will pay for 100 hours of overtime enforcement during the crackdown period, now

THEREFORE, BE IT RESOLVED that the Borough of Middlesex declares it's support for "National Distracted Driver Month" both locally and nationally from April 1, thru April 21, 2019, and pledges to increase awareness of Distracted Driving in the Borough.

BE IT FURTHER RESOLVED that the Middlesex Police Department will participate in targeted distracted driving enforcement and education during the 2019 Distracted Driving Crackdown: "U Drive - U Text - U Pay" from April 1, 2019 to April 21, 2019.

ORDINANCE(S) FOR INTRODUCTION

There were no Ordinances for Introduction at this meeting.

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1957-19 by title:

ORDINANCE 1957-19

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ENTITLED "CONTRACTS" TO CLARIFY THE RESTRICTIONS CONCERNING PERMISSIBLE CAMPAIGN CONTRIBUTIONS BY ENTITIES CONTRACTING WITH THE BOROUGH

WHEREAS, the Borough Council of the Borough of Middlesex seeks to amend Chapter 12 of the Municipal Code of the Borough of Middlesex to amend and expand the provisions thereof; and

WHEREAS, the purpose of these amendments is to foster fair and open competition in the contracting process as contemplated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., transparency in the redevelopment process as contemplated under the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., to ensure public confidence in the Borough's contracting process under both the Local Public Contracts Law and the Local Housing and Redevelopment Law, to avoid any appearance of impropriety and public cynicism that can arise when the timing between political contributions and contracting around the aforementioned statutes with any entity seeking to do business with the Borough closely coincide, and to ensure that the substantial powers conferred on the Borough by both aforementioned statutes are exercised in a manner free of outside influence and in the best interest of the residents of the Borough; and

WHEREAS, the Borough is authorized to undertake these amendments pursuant to the

ordinance power conferred thereon in N.J.S.A. 40:48-2 and in the provisions of N.J.S.A. 40A:11-1 et seq., the Local Public Contracts Law, and N.J.S.A. 40A:12A-1 et seq., the Local Housing and Redevelopment Law;

BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex, State of New Jersey, that Chapter 12 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, is hereby amended as follows:

Section I

Chapter 12 of the Code of the Borough of Middlesex, presently entitled "Contracts," shall be retitled as Political Contributions."

Section II

Article I of Chapter 12 of the Code of the Borough of Middlesex, presently entitled "Political Contributions," shall be retitled as "Purpose and Definitions."

Section III

Section 12-1 of the Code of the Borough of Middlesex, presently entitled "Definitions," is hereby retitled as "Purpose" and hereby replaced in its entirety as follows:

It shall be the purpose of this Chapter to foster fair and open competition in the contracting process as contemplated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., transparency in the redevelopment process as contemplated under the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., to ensure public confidence in the Borough's contracting process under both the Local Public Contracts Law and the Local Housing and Redevelopment Law, to avoid any appearance of impropriety and public cynicism that can arise when the timing between political contributions and contracting around the aforementioned statutes with any entity seeking to do business with the Borough closely coincide, and to ensure that the substantial powers conferred on the Borough by both aforementioned statutes are exercised in a manner free of outside influence and in the best interest of the residents of the Borough.

Section IV

Section 12-2 of the Code of the Borough of Middlesex, presently entitled "Contract and Contribution Restrictions," shall be retitled as "Definitions" and replaced in its entirety as follows:

As used in this Chapter, the following terms shall have the meanings indicated herein:

- A. Agreement shall be defined as any agreement, contract or other instrument incorporated and executed pursuant to any provision of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., including, but not limited to redeveloper agreements pursuant to N.J.S.A. 40A:12A-9 and payments in lieu of taxes pursuant to N.J.S.A. 40A:12A-40. The term "agreement" shall also be defined as long-term tax abatements pursuant to N.J.S.A. 40A:21-1 and short-term tax abatements pursuant to N.J.S.A. 40A:22-1.

- B. Borough shall be defined as the Borough of Middlesex in the County of Middlesex, State of New Jersey, and any of its independent agencies or instrumentalities.
- C. Business entity shall mean an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of business entity includes all principles who own 10 percent or more equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiary directly controlled by the business entity.
- D. Candidate shall be defined as (1) an individual seeking election to a public office of the State or of a county, municipality or school district at an election; except that the term shall not include an individual seeking party office; (2) an individual who shall have been elected or failed of election to an office, other than a party office, for which he sought election and who receives contributions and makes expenditures for any of the purposes authorized by section 17 of N.J.S.A. 19:44A-11.2 during the period of his service in that office; and (3) an individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs (1) and (2) of this subsection
- E. Contribution shall be defined as include all loans and transfers of money or any other thing of value, including in kind contributions to any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and all pledges or other commitments or assumptions of liability to make any such transfer ; and for purposes of reports required under the provisions of this Part shall be deemed to have been made upon the date when such commitment is made or liability assumed.
- F. County political party committee shall be defined as any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3.
- G. Municipal Office shall be defined as Mayor of the Borough of Middlesex and/or member of the Borough Council of the Borough of Middlesex, and Candidate for Municipal Office shall be defined as a candidate for one of the aforementioned offices.
- H. Municipal political party committee shall be defined as any municipal committee of a political party as organized pursuant to N.J.S.A. 19:5-2.
- I. Professional Business Entity shall be defined as any business entity as defined by paragraph c. of this section that provides services by individuals who are required to be professionally licensed under the laws or regulations of this State.
- J. Redeveloper shall be defined as any person, firm, corporation, limited liability entity, partnership, sole proprietorship, or any other business entity howsoever incorporated, or public body that shall enter into or propose to enter into a contract or enter into an

agreement (as defined in this Part) with the Borough or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this N.J.S.A. 40A:12A-1 et seq. the Local Housing and Redevelopment Law, or for any construction or other work forming part of a redevelopment or rehabilitation project. The term "redeveloper" shall also include any business entity employed by or under agreement with a redeveloper to provide goods or services related to: 1) obtaining the designation or appointment as redeveloper by the Borough; 2) negotiating the terms of a redevelopment agreement with the Borough, or any amendments or modifications thereto; 3) lobbying of the Borough and/or its officers in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of a redevelopment plan; or 4) performing the terms of a redevelopment agreement with the Borough. The term "redeveloper" shall also include any person or individual holding a 10% or greater ownership stake in any business entity, howsoever constituted, that shall enter into or propose to enter into a contract or agreement as contemplated herein. The term "redeveloper" shall also include any principle, partner, or officer of any business entity, howsoever constituted, that shall enter into or propose to enter into a contract or agreement as contemplated herein.

- K. Redevelopment shall be defined as the clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.
- L. Redevelopment project shall be defined as any work or undertaking pursuant to a redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities.

Section V

Article II of Chapter 12 of the Code of the Borough of Middlesex is hereby created and shall be entitled as "Restrictions on Contributions by Business Entities"

Section VI

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-3, and shall be entitled as "Prohibition of Award" and shall contain the following provisions:

- A. Notwithstanding any other provision of this code or any other law to the contrary, the Borough shall not enter into an agreement or otherwise contract to procure goods or services from any business entity or professional business entity where

the transaction is not required to be publicly bid under the Local Public Contracts Law and where the value of said contract exceeds \$17,500, if that entity has solicited or made any contribution of money or pledge of contribution, including in-kind contributions, to any candidate for municipal office in the Borough or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee in excess of the thresholds specified in Paragraph C below within one calendar year immediately preceding the commencement of negotiations for the contract or agreement.

- B. Notwithstanding any other provision of this code or any other law to the contrary, no business entity or professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the Borough for the provisions of goods or services where the transaction is not required to be publicly bid under the Local Public Contracts and where the value of the transaction exceeds \$17,500, shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any candidate for municipal office in the Borough, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, in excess of the thresholds specified in Paragraph C below between the time of first communications between that entity and the Borough regarding a specific contract or agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- C. Any individual meeting the definition of "business entity" or "professional business entity" under Section 12-2 of this Chapter may annually contribute a maximum of \$300 each for any purpose to any candidate for municipal office in the Borough, or \$300 to any municipal or county party committee, without violating Paragraphs A and B or this section.

Section VII

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-4, shall be entitled as "Contribution Statement Required" and shall contain the following provisions :

- A. Prior to awarding any contract or agreement subject to the requirements of this Article, the Borough shall receive a sworn statement from the business entity or professional business entity made under penalty of perjury that the entity has not made an contributions in violation of Section 12-3 hereof
- B. The business entity or professional business entity shall have a continuing duty to report any violation of this subsection that may occur during the negotiation or duration of the contract. The certification required under this Section shall be made prior to entry into the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any provision of law.

Section VIU

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-5, and shall be entitled as "Return of Excess Contributions" and shall contain the following provisions:

A business entity of professional business entity, candidate for municipal office in the Borough, or municipal or county political party committee may cure a violation of Section 12-3 hereof if, within thirty (30) days after the pertinent election, the entity notifies the Borough in writing and receives or transmits, as applicable, reimbursement of a contribution from the candidate or municipal or county political party committee.

Section IX

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-6, and shall be entitled as "Contribution Made Prior to the Effective Date" and shall contain the following provisions:

No contribution of money or any other thing of value, including in-kind contributions, made by a business entity or professional business entity to any candidate for municipal office in the Borough or to a municipal political party committee or a county political party committee, shall be deemed a violation of this Chapter, nor shall an agreement for property, goods, or services of any kind whatsoever, be disqualified thereby, if that contribution was made prior to the effective date of this Chapter.

Section X

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-7, and shall be entitled as "Breach of Contract and Disqualification of Contractor" and shall contain the following provisions:

- A. All Borough contracts for goods or services that are exempt from the public bidding requirements of the Local Public Contracts Law and that exceed \$17,500 shall provide that it shall be a breach of the terms of the contract for a business entity or a professional business entity to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contributions.
- B. Any business entity or professional business entity that knowingly fails to reveal a contribution made in violation of this subsection or that knowingly makes or solicits contributions through intermediaries for the purposes of concealing or misrepresenting the source of this contribution, shall be disqualified from eligibility for future Borough contracts for a period of four calendar years from the date of the determination of the violation and shall have any contract with the Borough then in effect immediately terminated.

Section XI

Article III of Chapter 12 of the Code of the Borough of Middlesex is hereby created and shall be entitled as "Restrictions on Contributions by Redevelopers."

Section XII

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-8, shall be entitled as "Prohibited Contributions," and shall contain the following provisions:

- A. The Borough shall not enter into an agreement or otherwise contract with any

redeveloper for the planning, replanning, construction or undertaking of any redevelopment project, including the conveyance or leasing of any public property in conjunction with the redevelopment of an area within the Borough, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., if that redeveloper has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any candidate for municipal office in the Borough, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee in excess of the threshold specified in this Article within one calendar year immediately preceding the commencement of negotiations for the contract or agreement.

- B. No redeveloper that enters into negotiations for, or agrees to, any contract or agreement with the Borough for the planning, replanning, construction or undertaking of any redevelopment project, including the conveyance or leasing of any public property in conjunction with the redevelopment of an area within the Borough, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., shall knowingly solicit or make any contribution of money, or pledge of contribution, including in-kind contributions, to any candidate for municipal office in the Borough of Middlesex, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, in excess of the threshold specified in this Article, between the time of the first communications between that redeveloper and the Borough regarding a specific contract or agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- C. No redeveloper that enters into negotiations for, or agrees to, any contract or agreement with the Borough for a payment in lieu of taxes agreement pursuant to N.J.S.A. 40A:12A-40, a long-term tax abatement pursuant to N.J.S.A. 40A:21-1, a short-term tax abatement pursuant to N.J.S.A. 40A:22-1, or any other agreement, contract or instrument intended to alter the tax obligation or liability of redevelopment project, shall knowingly solicit or make any contribution of money, or pledge of contribution, including in-kind contributions, to any candidate for municipal office in the Borough of Middlesex, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, in excess of the threshold specified in this Article, from the time of referral of the redevelopment project, or any portion or element thereof, by the governing body to the Planning Board of the Borough of Middlesex pursuant to N.J.S.A. 40A:12A-4(a)(i) until such time the rights and obligations or any agreement executed hereunder have been discharged.
- D. Any individual or entity meeting the definition of "redeveloper" under this Part may annually contribute a maximum of three hundred (\$300) dollars each for any purpose to any candidate for municipal office in the Borough of Middlesex, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, without violating Subsections A, B, or C of Section 12-8 of the Municipal Code of the Borough of Middlesex. In addition, any group of individuals meeting the definition of "redeveloper" under this Part, including such principles, partners and officers of the redeveloper in the aggregate, may not annually contribute for any purpose in excess of three hundred (\$300) dollars to all candidates for municipal office in the Borough of Middlesex, or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, without violating Subsections A, B, or C of Section 12-8 of the Municipal Code of the

Borough of Middlesex.

- E. The limitations set forth in this Article shall not apply in the event the subject agreement is awarded to the redeveloper after public bidding undertaken in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., or the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.
- F. No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any candidate for municipal office in the Borough of Middlesex or to any Borough of Middlesex municipal political party committee or County of Middlesex county political party committee, shall be deemed a violation of this subsection, nor shall an agreement for a redevelopment project, of any kind whatsoever, be disqualified thereby, if that contribution was made by the redeveloper prior to the introduction date of this ordinance.
- G. A redeveloper, candidate for municipal office in the Borough of Middlesex, Borough of Middlesex municipal political party or County of Middlesex county political party committee may cure a violation of this Article if, within thirty (30) days of the receipt of the contribution by the candidate for municipal office in the Borough of Middlesex, Borough of Middlesex municipal political party or County of Middlesex county political party committee, the redeveloper notifies the Borough Council of the Borough of Middlesex in writing, and seeks and receives reimbursement of the contribution for the candidate for municipal office in the Borough of Middlesex, Borough of Middlesex municipal political party or County of Middlesex county political party committee who received the contribution within the aforementioned thirty (30) day period .

Section XIII

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-9, shall be entitled as "Disclosure," and shall contain the following provisions:

- A. Prior to entering into or approving any agreement with any redeveloper, the Borough shall receive a sworn statement from the redeveloper made under penalty of perjury that the redeveloper has not made any contributions in violation of this Article.
- B. The redeveloper shall have a continuing duty to report any violation of this subsection that may occur during the negotiations or duration of the any agreement as defined in this Article. The statement required under this subsection shall be made prior to entry into the redevelopment agreement with the Borough and shall be in addition to any other statement or certifications that may be required by law.

Section XIV

A new section shall be inserted into the Municipal Code of the Borough of Middlesex as 12-9, shall be entitled as "Violations and Penalties," and shall contain the following provisions:

- A. All Borough agreements subject to the limitations set forth in this Article shall provide

that it shall be a breach of the terms of the agreement for a redeveloper to violate this subsection or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

- B. Any redeveloper who knowingly fails to reveal a contribution made in violation of this Article, or that knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contributions, shall be disqualified from eligibility for future Borough redevelopment agreements for a period of four (4) calendar years from the date of the determination of the violation and shall have any agreement with the Borough then in effect immediately terminated.

Section XV

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

Section XVI

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 XVII

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

Mayor DiMura opened the Public Hearing on Ordinance No. 1957-19.

Dave Polakiewicz, 240 Hazelwood Avenue requested (1) a recap of this ordinance from the Borough Attorney and a comparison with our present ordinance; (2) if a redeveloper could have his architect or engineer make the donation for him; and (3) if a redeveloper could give contributions for one entity and then receive a PILOT from a different entity, and (4) who would police these contributions.

Seeing that there was no further participation, Mayor DiMura closed the Public Hearing on Ordinance No. 1957-19.

Non substantive corrective changes were made prior to adoption of this ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Parenti, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read ordinance 1958-19 by title:

ORDINANCE 1958-19

**BOROUGH OF MIDDLESEX COUNTY OF MIDDLESEX, NEW JERSEY CALENDAR
YEAR 2019 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 up 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 next 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 2019 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% increase in the budget for said year, amounting to \$138,603.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines 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.

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 2019 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$485,112.64, and that the CY 2019 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

ADOPTION OF MINUTES

1. Approval of the March 12, 2019 Special & Executive Session Meeting

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

2. Approval of the March 12, 2019 Regular Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

3. Adoption of the February 26, 2019 Regular & Executive Session Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

4. Approval of the March 21, 2109 Special & Executive Session Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Dan Parenti, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

MAYOR'S REPORT

Mayor DiMura did not have a Report for this meeting.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Councilman Mikolajczyk reported that the 2019 Budget is scheduled for introduction on April 9, 2019.

Fire/OEM/Rescue Squad

1. Approval of the February, 2019 Fire Chief's Report

The Middlesex Borough Board of Fire Officers reported the following:

1. A driver qualification form was submitted for Rob Pollara for Truck 24.
2. Beechwood has requested permission to take Engine 22 to Washington Engine Company #1's 150th Anniversary Parade in Matawan, NJ on June 22, 2019. Parade begins at noon.
3. Beechwood has requested permission to take Engine 22 to Scotch Plains' 150th Anniversary Parade on June 15, 2019 at 1 PM.
4. Jeff Meyer has requested a 3 month leave of absence.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Douglas Rex, Council Member
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

Recreation/Recreation Fields/Swim Pool/Community Celebrations

There was no report for this meeting.

Public Works/Buildings & Grounds/Recycling

There was no report for this meeting.

Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court

1. Approval of the February, 2019 Police Report

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

Administration/Department of Senior Services/Legislation/Licensing

1. Approval of the February, 2019 Analytic Report

Councilman Carr also mentioned that he would be presenting his final Report on the Recording of Public Meetings at the April 9, 2019 Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

PRIVILEGE OF THE FLOOR

Rich Thomasey, 220 Greene Avenue questioned if the Mayor had requested the Police Department do a traffic study of the area being considered for 51 apartments at 229 Bound Brook Road.

Evan Walter, 839 W. Second Street questioned Resolution #91-2019 and the ongoing environmental issues which were referenced in the resolution. Mr. Walter also questioned when the borough would receive their first PILOT payment for the Price Saver Food Market.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council President
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 86-2019**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE SENIOR CITIZEN/DISABLED PERSON/VETERAN DEDUCTIONS**

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2017, and

WHEREAS, once homeowner is deceased said Senior Citizens/Disabled Persons / Veteran deductions remain on property until the property is sold or until the end of the year , and

WHEREAS, said deductions were not removed at the end of 2017, and

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2018 year totaling \$1000.00.

Name	Block/Lot	Amount	Reason
Boraski, Frances	18/42	\$500.00	DOD 4/2017 Deductions Not Removed
Welsh, Guy & Evelyn	240/24.01	\$500.00	DOD 9/2017 Deductions Not Removed

The Borough Clerk read the following resolution:

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

RESOLUTION 87-2019**APPROVING THE REFUND OF A RESIDENTIAL RESALE CERTIFICATE IN THE AMOUNT OF \$100.00 TO ROBERT WEBB, 716 ROUTE 206, HILLSBOROUGH NJ**

WHEREAS, Robert Webb applied to the Construction Office for a Residential Resale Certificate at 200 Runyon Ave and

WHEREAS, Robert Webb submitted Check #458 in the amount of \$100.00 on 2/14/19 in

payment of said Residential Resale Certificate; and

WHEREAS, no inspections were made and the sale of property did not take place.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$100.00 in favor of Robert Webb, 716 Route 206, Hillsborough NJ 08844 for refund of fee for Residential Resale Certificate.

The Borough Clerk read the following resolution:

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

RESOLUTION 88-2019

**AUTHORIZING THE TAX COLLECTOR TO CANCEL TAX SALE CERTIFICATE 17-00009
FOR BLOCK 291, LOT 50**

WHEREAS Resolution # 55-2019, authorizes the settlement on Block 291 Lot 50, 105 William Street; and

WHEREAS, the Tax Collector is hereby authorized to cancel Tax Sale Certificate 17-00009; and

NOW THEREFORE BE IT RESOLVED, The Tax Collector is hereby authorized to issue a check in the amount of \$23.00 to cancel the Tax Sale Certificate. The check should be made payable to:

Middlesex County Clerk
P O Box 1110
New Brunswick, NJ 08903-1110

The Borough Clerk read the following resolution:

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

RESOLUTION 89-2019

**APPROVING CARRY OVER OF 2018 VACATION DAYS FOR MICHELE GALEK AND
LINDA CHISMAR - *Item Removed from Consent***

The Governing Body approves Michele Galek carry over five 2018 vacation days and Linda Chismar carry over four 2018 vacation days until June 1, 2019.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 90-2019

AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN RUTGERS BIOMEDICAL AND HEALTH SCIENCES - UNIVERSITY BEHAVIORAL HEALTH CARE AND THE BOROUGH OF MIDDLESEX EFFECTIVE MARCH 1, 2019 - *Item Removed from Consent*

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 March 3, 2019 - June 30, 2019. At the expiration of this contract, the Contract will automatically renew for an additional one year term.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Dan Parenti, Council Member
SECONDER:	Douglas Rex, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 91-2019

APPOINTING HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP SPECIAL COUNSEL FOR REDEVELOPMENT OF BLOCK 318 LOTS 38.01 AND 48 IN THE LINCOLN BOULEVARD REDEVELOPMENT AREA - *Item Removed from Consent*

WHEREAS, the Borough desires to redevelop Block 318 Lots 38.01 and 48 known as Absolute Auto located at 245 Mountain Avenue and in the Lincoln Boulevard Redevelopment Area; and

WHEREAS, Borough professionals have been working with the United States Department of Energy (DOE), the United States Environmental Protection Agency (EPA), the United States Army Corps of Engineers, the United States Attorney General's office and the New Jersey Department of Environmental Protection (NJDEP) to affect the transfer of property known as Block 318 Lot 1.01 from the DOE to the Borough throughout 2018; and

WHEREAS, this process is complex and involves many Federal and State agencies which may mean the transfer could take the form of two separate transactions, the first being a license to use the property in the short term, and the second an early transfer in fee simple to the borough, longer term; and

WHEREAS, the above actions will allow the property to be redeveloped in the shortest time possible; and

WHEREAS, attorneys from the firm of Hoagland, Longo, Moran, Dunst & Doukas

(Hoagland) have been central to the ongoing negotiations legal elements and environmental issues of these negotiations; and

WHEREAS, Hoagland attorneys have developed an in-depth understanding of the Borough's objectives and the various legal and environmental issues relating to this project; and

WHEREAS, the Borough believes that Hoagland should continue to be directly involved in this property transfer to the Borough to ensure continuity as it continues forward in as quick a manner possible and in an orderly fashion; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Middlesex that the Firm of Hoagland, Longo, Moran, Dunst & Doukas be appointed Special Counsel to the Borough for the redevelopment of Block 318 Lots 38.01 and 48 and for the negotiation of the transfer of the property know as Block 318 Lot 1.01 from the DOE for the duration of negotiations.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council Member
SECONDER:	Kevin Dotey, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 94-2019

**AUTHORIZING THE REFUND OF FIRST QUARTER 2019 TAXES ON BLOCK 17, LOT 26
AS HOMEOWNER HAS BEEN DECLARED DISABLED**

The Tax Collector is hereby authorized to refund 2019 1st Quarter tax in the amount of \$2,120.03, Block 17 Lot 26, 235 Fairfield Avenue. The homeowner has been previously declared a 100% disabled veteran by the Division of Veterans Affairs effective January 2019 as per Resolution # 22-2019 and the mortgage company paid in error. The check is to be made payable to:

CoreLogic
Attn: Refund Department
3001 Hackberry Road
Irving, TX 75063

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 92-2019

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:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 93-2019**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. Borough Clerk Hours

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

AGENDA WORKSHOP ITEM

1. Recycle Coach

The Borough Clerk reported on the availability of "Recycle Coach", a free program being offered by the New Jersey Department of Environmental Protection. It would enable residents to download an application to their phone, tablet or personal computers that would inform residents of how to dispose of various items and would also give reminders of collection dates for recycling and garbage collection. Notifications can inform of any issues or changes with collection, such as holidays or equipment.

malfunctions. The Borough would also be able to receive reports of problems such as missed pick-ups. A link would need to be put on the Borough website, notifying residents of its availability. Council agreed to move forward with the utilization of the program.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

1. Borough Clerk Hours
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ADJOURNMENT

The next Regular Meeting will be April 9, 2019

Respectfully yours,

Borough Clerk