Borough of Middlesex

Mayor and Council Regular Meeting

~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, May 14, 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 discussion on Conflict RFP's to the Workshop Agenda

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Madden, Council President
SECONDER:	Kevin Dotey, 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:
Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

HEARING ON THE 2019 MUNICIPAL BUDGET

Mayor DiMura opened the hearing on the 2019 Municipal Budget. Seeing that there was no public participation, Mayor DiMura closed the public hearing on the 2019 Municipal Budget.

Mayor DiMura stated that because the budget has to be reviewed by the State, it cannot be ratified this evening. As soon as we receive the State's approval, we will move forward with the adoption.

Councilman Mikolajczyk, Finance Chair, mentioned that the budget has a $58 increase on the average assessed home, included a 1,200,000 capital budget, hiring of police officer, absorbing a large pension expense and funding for the revaluation. Councilman Mikolajczyk stated that it was not smart to bring the budget down to a zero increase, and as time goes on this budget will be beneficial for the borough.

The Borough Auditor, Bob Allison indicated that this was a tight budget, but well done.

APPOINTMENTS

1. Appointment of Park Committee

Mayor DiMura appointed Councilman Parenti to Chair the Park Committee and appointed the following individuals to this committee: Mike O'Donnell, Todd Nicolay, Chris Chismar, Justin Anastasia, Matt Ianiero, Danielle Parenti and Brenda Reilly.

Mayor DiMura stated that this committee will be responsible to prepare a proposal for Phase II of the Mountain View Park Project which includes the baseball field, softball field, park roads and new bathroom. They will also be responsible for parks throughout the borough. The Mayor would like to have a 5 - 7 year plan for improvements throughout the parks. Councilman Parenti will report back on the committee's findings by the end of August.

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1960-19 by title:

ORDINANCE 1960-19

AN ORDINANCE CREATING A NEW CHAPTER 265 IN THE BOROUGH CODE OF THE BOROUGH OF MIDDLESEX ENTITLED “LIMOUSINES” TO ESTABLISH A PROCEDURE FOR REGISTRATION OF SAME THE COLLECTION OF FEES FOR SAID REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex seeks to establish an ordinance for the registration of limousines as permitted by N.J.S.A. 48:16-13 and to assess fees for said registrations; and

BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 265 of the Municipal Code thereof is hereby created as follows:

Section I
Chapter 265-1 is hereby created and entitled “Definitions” and shall appear in its entirety as follows:

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L.2003, c.13 (C.39:2A-4).

“Limousine” means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity of no more than 14 passengers, not including the driver,

provided, that such a vehicle is certified by the manufacturer of the original vehicle and the second-stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards promulgated by the United States Department of Transportation pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq.) and 49 CFR Part 567 (49 CFR 567.1 et seq.). In addition, a "Vehicle Emission Control Information" label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing in this article contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

"Limousine service" means and includes the business of carrying passengers for hire by limousines.

"Person" means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

"Principal place of business" means, in reference to a municipality, the location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

"Street" means and includes any street, avenue, park, parkway, highway, or other public place.

Section II
Chapter 265-2 is hereby created and entitled "Insurance Required" and shall appear in its entirety as follows:

Except as provided N.J.S.A. 48:16-22.4, and notwithstanding any other requirement of this ordinance or of any other ordinance of the Borough of Middlesex, no limousine shall be operated wholly or partly along any street in any municipality until the owner of the limousine shall have filed with the clerk of the municipality in which the owner has his principal place of business, an insurance policy of a company duly licensed to transact business under the insurance laws of this State in the sum of $1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as the result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street.

Section III
Chapter 265-3 is hereby created and entitled "License to Operate" and shall appear in its entirety as follows:

A. Any limousine service having its principal place of business in the Borough of Middlesex shall be required to obtain a license to operate such a service from the Clerk of the Borough.

B. The Borough Clerk, upon the filing of the required insurance policy and the payment of a fee of $50 for each limousine service plus $10 for each limousine which is covered under the required insurance policy, shall issue in duplicate a license to operate showing the owner if the limousine has complied with the terms and provisions of N.J.S.A. 48:16-13 et se.

C. The license issued by the Borough Clerk shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured thereunder, and the registration number of the same.

D. The duplicate license shall be filed with the commission by the limousine service before any such car is registered as a limousine.

Section IV

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

Section V

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 VI

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

RESULT:	**FIRST READING [UNANIMOUS]**	**Next: 6/11/2019 7:00 PM**
MOVER:	Kevin Dotey, Council Member	
SECONDER:	John Madden, Council President	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the April 23, 2019 Regular & Executive Meeting Minutes

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

MAYOR'S REPORT

Mayor DiMura reported that the County will be holding a Shredding Day at the borough on June 7 from 9AM - 12PM at Borough Hall. This will be advertised on the Borough Website and also Facebook.

Community Day is scheduled to be held on July 20th at Mountain View Park from 4PM - 9PM.

Mayor DiMura reported on May 6th the Board of Education held a meeting to introduce their budget with a $755,655 Tax Levy, which would be a $144 increase on the average home. The school has received approximately 1.3 million dollars in state aid over the last three years. The borough continues to supplement the Board of Education budget, and the Mayor is disappointed that they did not allocate for putting police officers in the schools in their budget. He also believes that it is important to invest in our schools, but the safety of our children should come first. He will ask the Board of Education once again to reconsider their decision not to fund the proposal for the Special Police Officers, but feels this is something we need to do, and he will try to find ways to protect our children.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

1. Approval of the April, 2019 Tax Collection Report

Councilman Mikolajczyk reported that the Shade Tree has earned the title of Tree City USA for 30 Years and accepted this award and Certificate, along with the Tree City USA Flag which recognizes the 30 years of participation in this Program.

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

Fire/OEM/Rescue Squad

There were no reports.

Recreation/Recreation Fields/Swim Pool/Community Celebrations

1. Approval of the April's Recreation Director's Summary

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

2. Approval of the May Recreation Director's Report

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

Public Works/Buildings & Grounds/Recycling

There were no reports.

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

Councilman Dotey reported that the Board of Health met and wanted to have residents be diligent regarding the measles epidemic. Also, they wanted to remind residents to please get rid of standing water on their property. The Board of Health also have more "No Smoking" signs to be installed at the Park.

Administration/Department of Senior Services/Legislation/Licensing

Councilman Carr reported that the Board of Education budget was adopted on May 6th. Also, Dr. Wilson was hired as the new Superintendent. Councilman Carr also reported that he will give his report on the video recording of Public Meetings at the May 28, 2019 Regular Meeting.

PRIVILEGE OF THE FLOOR

John Ericson, 209 Second Street questioned if the park benches at Cap Lane can be moved to a different location, the time frame of the reappointment of the Purchasing Agent, and also his disappointment regarding the delay he had with his OPRA request.

Rich Rutkowski, 208 Maple Street questioned the CRS Coordinator not being properly registered with FEMA, and requested to view the computer that he was told was purchased by the CRS Coordinator. Also, he requested what was the process in determining what parcels of property are selected for redevelopment.

Dave Polakiewicz, 240 Hazelwood Avenue questioned the $58 increase in the budget, and what is the average home assessment.

Mayor DiMura responded to all questions that were addressed to him.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jason Carr, 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 129-2019

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq*., (April 25, 2012) before submitting its approved annual budget to the

Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Borough Council* of the *Borough of Middlesex*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

The Borough Clerk read the following resolution:

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

RESOLUTION 130-2019

APPROVING THE REFUND OF A STREET OPENING PERMIT IN THE AMOUNT OF $1875.00 TO JEFFREY BUCCELLATO

WHEREAS, Jeffrey Buccellato was issued a street opening permit on 9/18/18; and

WHEREAS, Jeffrey Buccellato deposited $2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 524 Voorhees Ave. was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

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 $1875.00 in favor of Jeffrey Buccellato, 313 Beechwood Ave., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2018-006.

The Borough Clerk read the following resolution:

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

RESOLUTION 131-2019

APPROVING THE REFUND OF $75.00 FOR AN OVERCHARGED PORTION OF CONSTRUCTION PERMIT NO. 20190124 FOR WORK AT 285 ANTHONY AVENUE

WHEREAS, Joe and Judy Martorano applied for and received Permit No. 20190124

on 03/25/2019, to do work at 285 Anthony Ave; and

WHEREAS, check no. 115 dated 03/25/2019, payable to the Borough of Middlesex, was submitted in the amount of $438.00 in payment of said permit; and

WHEREAS, the homeowner was overcharged in the amount of $75.00 for said permit.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of $75.00 in favor of Joe Martorano, 285 Anthony Ave, Middlesex, NJ 08846, for refund of fee for the overcharged portion of Permit No. 20190124.

The Borough Clerk read the following resolution:

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

RESOLUTION 132-2019

APPROVING THE TAX COLLECTOR TO ISSUE REDEMPTION FUNDS FOR BLOCK 256, LOT 12

WHEREAS, said liens have been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts;

WHEREAS, the interest and payment were calculated for May 14th, 2019;

THEREFORE, the Tax Collector is hereby authorized to issue a check to the said individual in the following amounts:

Date of Sale	Block	Lot	Amount	Premium	Certificate	Make Check Payable To
3/20/19	256	12	$121.05	$100.00	18-00004	Henry Hansch, Jr. 504 Chandler Lane Whippany, NJ 07981-0439

The Borough Clerk read the following resolution:

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

RESOLUTION 133-2019

AUTHORIZING CANCELLATION OF TAXES ON ARMY CORPS OF ENGINEERS PROPERTY, BLOCK 244, LOT 1

WHEREAS, the Army Corps of Engineers is purchasing properties in the Borough of Middlesex due to the flood control project; and

WHEREAS, the Army Corps is exempt from paying property taxes, and

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel taxes on the following property:

Block/Lot	Address	Quarter	Amount
244/1	586 Denton Place	1st 2019	$2,544.48
		2nd 2019	$2,544.48

The Borough Clerk read the following resolution:

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

RESOLUTION 134-2019

THE TAX COLLECTOR IS AUTHORIZED TO FORWARD REDEMPTION FUNDS FOR BLOCK 70.10, LOT 4 FOR CERTIFICATE NO. 18-00001

WHEREAS, said liens have been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts;

WHEREAS, the interest and payment were calculated for May 14th, 2019;

THEREFORE, the Tax Collector is hereby authorized to issue a check to the said individual in the following amounts to US Bank Cust Actlien, 50 South 16th Street, Philadelphia, PA 19102:

Date of Sale	Block	Lot	Amount	Premium	Certificate
3/20/19	70.10	4	$58.35	$100.00	18-00001

The Borough Clerk read the following resolution:

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

RESOLUTION 135-2019

DETERMINING THAT THE AREA GENERALLY KNOWN AS "FORMER UNION CARBIDE FACILITY" AND IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF MIDDLESEX AS BLOCK 353, LOTS 1.01 AND 1.02, IS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-5) *- Withdrawn*

WHEREAS, N.JS.A. 40A:12A-6 provides that "No area of a municipality shall be determined to be a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5;" and

WHEREAS, on August 28, 2018, the Middlesex Borough Council, by resolution, authorized the Borough Planning Board to undertake a study to determine if the portion of Baekeland Avenue and River Road consisting of approximately 30 acres, known as the former Union Carbide Facility, and identified on the Tax Map of the Borough of Middlesex as Block 353, Lots 1.01 and 1.02, would qualify for designation as a "non-condemnation" area in need of redevelopment, and

WHEREAS, on December 12, 2018 the study was completed by the Planning Board with a recommendation that the portion of Baekeland Avenue and River Road known as the former Union Carbide Facility did qualify to be designated a non-condemnation area in need of development in accordance with the provisions of N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board did set the date of April 24, 2019 to hold a public hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area; and

WHEREAS, notice of said public hearing was published and distributed in accordance with the provisions of N.J.S.A. 40A:12A-6; and

WHEREAS, said public hearing was held on April 24, 2019; and

WHEREAS, upon completion of the public hearing in this matter, it was the recommendation of the Planning Board of the Borough of Middlesex, County of Middlesex, State of New Jersey, memorialized in a resolution adopted on April 24, 2019, that the Borough Council determine the following parcels, which were included in the area delineated in the aforementioned investigative report, to be a redevelopment area in accordance with the New Jersey Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Block 353, Lots 1.01, and 1.02,

WHEREAS, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, based upon the substantial evidence provided in connection with the public hearing and Planning Board resolution supporting such action, has determined the above mentioned properties, which were included in the area delineated in the aforementioned investigative report, to be a "non-condemnation" redevelopment area in accordance with the New Jersey Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, based upon the substantial evidence provided in connection with the public hearing supporting such action including the findings and recommendation included in the Planner's Report, the testimony presented, the discussions of the Planning Board and the findings of the Planning Board as to the Study Area, as reflected in the resolution adopted by the Planning Board on April 24, 2019, determines the following properties to be a "non-condemnation" redevelopment area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Block 353, Lots 1.01, and 1.02,

BE IT FURTHER RESOLVED, that in accordance with the provisions of N.J.S.A.

40A:12A-6.b.(5) notice of this determination shall be served, within ten (10) days after the making of said determination, to each property owner within the designated redevelopment area and to each person, if any, who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent; and

BE IT FURTHER RESOLVED, that this determination shall be binding and conclusive upon all persons affected by such; and

BE IT FURTHER RESOLVED, that no redevelopment project shall be undertaken or carried out by the Borough except in accordance with a redevelopment plan adopted by ordinance pursuant to the provisions and criteria set forth in N.J.S.A. 40A:12A-7; and

BE IT FURTHER RESOLVED, that upon adoption of this resolution the Planning Board is hereby requested to prepare a redevelopment plan in accordance with and under the provisions of the NJ Redevelopment and Housing Law; and

BE IT FURTHER RESOLVED, that upon adoption of this resolution, the borough clerk shall, forthwith, transmit a copy of the resolution to the Commissioner of Community Affairs for review, pursuant to N.J.S.A. 40A:12A-6(b)(5); and

BE IT FURTHER RESOLVED, that if the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal by the clerk, the determination shall be deemed to be approved, also pursuant to N.J.S.A. 40A:12A-6. b. (5).

The Borough Clerk read the following resolution:

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

RESOLUTION 136-2019

REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF $1666.69 ON BLOCK 324, LOT 13.01

The Tax Collector is hereby authorized to refund an overpayment of 2019 2nd quarter taxes in the amount of $ 1666.69 on Block 324, Lot 13.01, 514 Decatur Avenue, due to a duplicate payment. The check is to be made payable to:

PEMCO-Limited
4600 South Ulster Street, Suite 530
Denver, CO 80237

The Borough Clerk read the following resolution:

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

RESOLUTION 137-2019

AUTHORIZING THE TREASURER TO REFUND LATE FEES THAT WERE INCORRECTLY APPLIED TO MERCANTILE LICENSE RENEWALS *- Item Removed from Consent*

The Treasurer is authorized to refund late fees that were incorrectly applied for the following applicants for Mercantile Licenses for 2019/2020:

Supercuts 714 Union Avenue	$75.00
Dunkin Donuts 130 Bound Brook Road	$75.00
Candy with a Twist 398 Lincoln Boulevard	$75.00

RESULT:	**ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Jack Mikolajczyk, Council Member
SECONDER:	John Madden, Jason Carr
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 138-2019

AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM FOR VARIOUS SEWER MAIN IMPROVEMENTS - *Withdrawn*

WHEREAS, the Borough of Middlesex has filed or is about to file applications with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust Fund Loan Program for the Various Sanitary Sewer Main Improvements project; and

WHEREAS, Remington, Vernick & Vena Engineers, the Borough's Consultant Engineer, has been engaged to execute the said applications on behalf of the Borough; and

WHEREAS, the Mayor and Council wish to formally confirm the authority of Marcia A. Karrow, Business Administrator to represent the Borough for the said purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that Marcia A. Karrow, Business Administrator of the Borough of Middlesex is hereby designated agent of the Borough of Middlesex for the purpose of executing the Borough's applications for funds under the New Jersey Environmental Infrastructure Trust Fund Loan Program Application; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded with said application to the New Jersey Department of Environmental Protection for their review and final action.

The Borough Clerk read the following resolution:

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

RESOLUTION 139-2019

RE-APPOINTING THOMAS REILLY AS TAX ASSESSOR FOR THE BOROUGH OF MIDDLESEX

WHEREAS, N.J.S.A. 40A:9-146 requires every municipality to have a Tax Assessor appointed by the Governing Body of the municipality; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal Tax Assessor shall hold office for a term of four (4) years from the first day of July next following his appointment; and

WHEREAS, on May 26, 2015, via Resolution #142-15, Thomas Reilly was appointed as the Tax Assessor of the Borough of Middlesex for a term to expire June 30, 2019; and

WHEREAS, the Governing Body is desirous of having Thomas Reilly continue in his position as Borough Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey, that Thomas Reilly is hereby re-appointed as Tax Assessor for the Borough of Middlesex for a four (4) year term beginning July 1, 2019 and ending June 30, 2023.

BE IT FURTHER RESOLVED, that the Tax Assessor's hours and compensation will be increased from four (4) to eight (8) hours per week during the undertaking of the Revaluation for the Borough of Middlesex.

The Borough Clerk read the following resolution:

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

RESOLUTION 140-2019

AUTHORIZING THE SURPLUS OF CERTAIN EQUIPMENT AND AUTHORIZING THE PURCHASING AGENT TO SELL THIS SURPLUS EQUIPMENT ON GOVDEALS INC.

WHEREAS, the Borough of Middlesex has determined that the property listed below is no longer needed for public use and they wish to surplus this property and dispose of pursuant to Division of Local Government Services' Local Finance Notice 2008-9 and the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) which authorizes the sale of this surplus personal property through the use of an online auction service; and

WHEREAS, the Borough of Middlesex intends to utilize GovDeals Inc., online auction services; and

WHEREAS, no express or implied warranty is made for the property subject to sale. All property is being sold in "as is condition" "where is", and

WHEREAS, Notice of Auction shall be published in an official newspaper on as required by N.J.S.A. 40A:11-36(3); and

NOW THEREFORE BE IT RESOLVED, by the Borough that the Purchasing Agent is hereby authorized to sell the surplus personal property as indicated on GovDeals Inc.; an authorized online auction website; and

BE IT FURTHER RESOLVED, by the Borough of Middlesex, County of Middlesex, that the Council, in accordance with the provisions of N.J.S.A. 40A:11-36 approve that an online auction of the surplus vehicle and equipment be conducted by GovDeals, Inc.

YEAR	**MAKE**	**VIN**
2014	Chevrolet Caprice	6G3NS5U2XEL953719
2008	(5) Electrolux Air Conditioner	Model FAH086S1T

The Borough Clerk read the following resolution:

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

RESOLUTION 141-2019

APPROVING MIDDLESEX FIRE DEPARTMENT SURPLUS EQUIPMENT

The Governing Body hereby approves the following Fire Department Equipment as surplus for disposal effective immediately:

Description	**Quantity**
Turn out Pants	6
Turn out Jackets	6
Helmet Shells	2
Radio Mounting Brackets	5
Portable Radio Chargers	4
Motorola Wall Mount Brackets	3
Portable Radio Batteries	42
Motorola HT1000 Portable Radios	12
Motorola HT1250 Portable Radios	9
Motorola Radio Mics	32
Misc Pager Charging Bases	31
Portable Radio Charging Bases	15
Dragonfly Pass Alarm	10
Fireflir Thermal Camera	1
Fireflir Batteries	3

Fireflir Charger	1
Motorola M1225 Radio	1
Motorola CDM1250 Radio	2
Motorola CDM1550LS Radio	3
Motorola (unknown model) Radio	1
Motorola Minitor 2 Pagers	15
Motorola Minitor 3 Pagers	7
Motorola Minitor 4 Pagers	11
Motorola Minitor 5 Pagers	16
Motorola Minitor 6 Pagers	1
Motorola Speakers	3
Motorola Minitor 2 Charging Bases	34
Ladder Belts	2
Lock Out/Tag Out Kit	1
HT1250 Radio Accessories	
Charging Cords	9
Cable Assembly	4
HDST Module	2
Old Style Scott Bottle 4500 psi	2

The Borough Clerk read the following resolution:

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

RESOLUTION 142-2019

RESCINDING RESOLUTION #24-2019 DUE TO TYPOGRAPHICAL ERROR *- Withdrawn*

WHEREAS, Resolution # 24-2019 was adopted on January 15, 2019; and

WHEREAS, by the adoption of this resolution, the taxes on Block 224 Lot 1, 748 Bound Brook Road, were waived due to acquisition by the US Army Corps of Engineers; and

WHEREAS, Block 224 Lot 1 was incorrectly identified as owned by the Army Corps by way of a transposed number typographical error; and

WHEREAS, the Tax Assessor has made the correction to the MOD IV data;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, New Jersey, that Resolution #24-2019 be and is hereby rescinded.

The Borough Clerk read the following resolution:

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

RESOLUTION 143-2019

RE-APPOINTMENT OF CARMEN MODICA AS BOROUGH PURCHASING AGENT

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

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

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

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 144-2019

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:	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 145-2019

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. Piscataway Sewer Litigation
2. OLMV Litigation

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

AGENDA WORKSHOP ITEM

1. Planning Board Resolution - Baekeland Avenue, Block 353 Lots 1.01 & 1.02

Council discussed the Planning Board Resolution and that the next step in the process for Block 353, Lots 1.01 and 1.02 would be to have the Planner put together an actual Redevelopment Plan for this property on Baekeland Avenue. Councilman Carr recommended that it would be beneficial for the entire Council to review all the information available, including the study that was done on this property. This resolution will be tabled until the May 28, 2019 Regular Meeting so that Council can review.

2. Attorney opinion on Claim of Conflict

Attorney Corsini discussed the potential conflict with Councilman Dotey being a member of the Finance Committee, as a member of his family is a borough employee. After review of this matter Attorney Corsini indicated that Councilman Dotey could remain on the Finance Committee, but encouraged him to exercise caution and due diligence and to also use good judgment on all matters.

3. Zero Lot Line

Council discussed the Zero Lot Line Ordinance and issues that have been brought to the Mayor's attention regarding property owners having problems getting home insurance, as insurance companies do not want to insure small condo associations. Based upon Council's discussion and Mayor DiMura's recommendation, the Council agreed to rescind this ordinance and bring this back for committee review and to prepare a new ordinance.

4. Marijuana Ordinance

Mayor & Council discussed the introduction of a Marijuana Ordinance which would prohibit the sale of marijuana in the borough. Mayor DiMura indicated he is not in favor of allowing the sale of marijuana, along with the Police Chief who has researched this matter, and is concerned with the astronomical costs that this will incur with the need to have all officers obtain the special training required, along with the increase in the borough's liability. A consensus of Council was taken to have Attorney Corsini prepare an ordinance for Council to review to prohibit the sale of marijuana in the Borough.

5. Bound Brook Road Streetscape

This matter was tabled until the May 28, 2019 Regular Meeting.

6. RFP for Conflict Attorney

Council discussed the Request for Proposal that was received for the Conflict Tax Appeal Attorney, which was time sensitive. Council agreed that based upon Attorney Corsini's opinion regarding the outstanding tax appeal, they had the time to solicit for additional Request for Proposals and agreed to go out for a Conflict Tax Appeal Attorney and Conflict Borough Attorney. A Special Meeting will be held on June 6, 2019 to award these Contracts.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Rich Rutkowski, 211 Maple Street requested that the council adopt the Marijuana Ordinance to please keep marijuana away from our children.

EXECUTIVE SESSION

1. Piscataway Sewer Litigation
2. OLMV Litigation

ADJOURNMENT

The next Regular Meeting will be May 28, 2019

Respectfully yours,

Borough Clerk