



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, May 28, 2019

7:00 PM

Municipal Building

1. **MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.
2. **SALUTE TO FLAG**
3. **ROLL CALL**

Attendee Name	Present	Absent	Late	Arrived
Mayor 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	☐	☐	☐	
Administrator Marcia Karrow	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

4. **PRESENTATIONS**
5. **APPOINTMENTS**
6. **PROCLAMATIONS**
7. **ORDINANCE(S) FOR INTRODUCTION**

1. **Ordinance 1961-19** AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR VARIOUS ROAD IMPROVEMENTS AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX AND APPROPRIATING \$620,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$557,200 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION), AND PROVIDING FOR THE ISSUANCE OF \$62,800 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF MIDDLESEX TO FINANCE THE SAME

2. **Ordinance 1962-19** AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE BOUND BROOK STREETSCAPE PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX AND APPROPRIATING \$1,135,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$1,030,560 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION), AND PROVIDING FOR THE ISSUANCE OF \$104,440 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF MIDDLESEX TO FINANCE THE SAME
3. **Ordinance 1963-19** AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, CHAPTER 407, VEHICLES AND TRAFFIC, ARTICLE XI, TURNING MOVEMENTS, SECTION 407-33, PROHIBITED TURNS.
4. **Ordinance 1964-19** REPEALING THE PRIOR ORDINANCE OF THE BOROUGH OF MIDDLESEX NO. 1925-17 AND REMOVING FROM THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SECTION 420-44(G) CONCERNING ZERO LOT LINES
5. **Ordinance 1965-19** AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.099 ACRES KNOWN AS A PORTION OF LOT 8 IN BLOCK 326 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED SENECA AVENUE PURSUANT TO N.J.S.A. 40A:12-13(B)(5)

8. ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

9. ADOPTION OF MINUTES

10. MAYOR'S REPORT

11. REPORTS - STANDING COMMITTEES

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Fire/OEM/Rescue Squad
 1. Approval of the Fire Chief's Report for April, 2019
 2. Board of Fire Officer's Update
 3. OEM's Request to bring OEM Vehicle to Basilone Parade in Raritan on September 22, 2019
 4. Rescue Squad Open House
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
 1. Approval of the April, 2019 Police Report
6. Administration/Department of Senior Services/Legislation/Licensing

12. ADMINISTRATOR'S REPORT

13. PRIVILEGE OF THE FLOOR

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of

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

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

1. **Resolution 146-2019** Authorizing the Tax Collector to Cancel Taxes for 2019 2nd Quarter in the Amount of \$2020.02 for Block 241, Lot 1, as Homeowner has been Declared a 100% Disabled Veteran
2. **Resolution 147-2019** Refunding Overpayment of \$200 for Mercantile License for 2019/2020
3. **Resolution 148-2019** Authorizing the Tax Collector to Refund Interest and payment for the Tax Lien for Block 70.10, Lot 4
4. **Resolution 149-2019** Resolution of Support of a New Jersey Department of Transportation promulgated Traffic Regulation Order in order to upgrade existing "Wink-O-Matic" 25 MPH When Flashing School speed limit signs
5. **Resolution 150-2019** Appointing Fund Commissioner to the Central Jersey Joint Insurance Fund.
6. **Resolution 151-2019** Approval to Submit "Reevaluation of Project Limits" for MA FY 2019 N.J.D.O.T. Grant Funding

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

1. **Resolution 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)
2. **Resolution 152-2019** Pay All Claims
3. **Resolution 153-2019** Executive Session

- 16. AGENDA WORKSHOP ITEM**

1. Waiver of Fee for JV Baseball Field
2. Bound Brook Road Streetscape
3. Request by American Legion to use the Legion Park Pavilion for their 100th Anniversary Community Picnic
4. Marijuana Ordinance
5. Request to Waive Board of Health License Fee for T.C. Hallmark
6. Planning Board Resolution - Baekeland Avenue, Block 353, Lots 1.01 & 1.02

17. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

18. EXECUTIVE SESSION

1. Potential Litigation, Insurance Claim Denial

19. ADJOURNMENT

1. The next Regular Meeting will be June 11, 2019

ORDINANCE #1961-19

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR VARIOUS ROAD IMPROVEMENTS AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX AND APPROPRIATING \$620,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$557,200 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION), AND PROVIDING FOR THE ISSUANCE OF \$62,800 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF MIDDLESEX TO FINANCE THE SAME

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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$620,000 (including \$557,200 expected to be received in a grant from the State of New Jersey, Department of Transportation). No down payment is required as this bond ordinance involves a project funded by State grants or other similar programs, within the meaning of N.J.S.A. 40A:2-11(c).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$62,800 pursuant to the Local Bond Law. 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.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the improvement, consisting of the design, construction, and inspections of various Borough roads, including, but not limited to, portions of Harris Avenue, Ashland Road and Fischer Avenue, and including all work and materials necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation 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 bond 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 N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 bond 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 capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 \$62,800 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$135,000 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 purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof, (other than the grant in the amount of \$557,200 expected to be received from State of New Jersey, Department of Transportation), shall be applied either to direct payment of the costs of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is 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 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

INTRODUCED: May 28, 2019

DATE OF PUBLICATION:
OF INTRODUCTION May 31, 2019

ORDINANCE #1962-19

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE BOUND BROOK STREETSCAPE PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX AND APPROPRIATING \$1,135,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$1,030,560 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION), AND PROVIDING FOR THE ISSUANCE OF \$104,440 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF MIDDLESEX TO FINANCE THE SAME

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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$1,135,000 (including \$1,030,560 expected to be received in a grant from the State of New Jersey, Department of Transportation). No down payment is required as this bond ordinance involves a project funded by State grants or other similar programs, within the meaning of N.J.S.A. 40A:2-11(c).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$104,440 pursuant to the Local Bond Law. 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.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the streetscape improvement project, consisting of, but not limited to, the design, construction, and inspections of portions of Bound Brook Road located in the Borough, and including all work and materials necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation 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 bond 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 N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 bond 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 capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 \$104,440 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$238,825 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 purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof, (other than the grant in the amount of \$1,030,560 expected to be received from State of New Jersey, Department of Transportation), shall be applied either to direct payment of the costs of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is 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 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

INTRODUCED: May 28, 2019

DATE OF PUBLICATION:
OF INTRODUCTION May 31, 2019

ORDINANCE #1963-19**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, CHAPTER 407, VEHICLES AND TRAFFIC, ARTICLE XI, TURNING MOVEMENTS, SECTION 407-33, PROHIBITED TURNS.**

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

SECTION 1. Section 407-33 is hereby supplemented, amended and revised to reflect:

- (C.) No left turn on northbound Lorraine Avenue to Route 28 westbound on Route NJ 28 (Union Avenue) from 7:00a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday to Friday when schools are in session.

SECTION 2. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to effect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication according to law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

INTRODUCED:

DATE OF PUBLICATION:
OF INTRODUCTION

ORDINANCE #1964-19

REPEALING THE PRIOR ORDINANCE OF THE BOROUGH OF MIDDLESEX NO. 1925-17 AND REMOVING FROM THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SECTION 420-44(G) CONCERNING ZERO LOT LINES

WHEREAS, the Borough Council of the Borough of Middlesex approved Ordinance No. 1925-17 on November 17, 2017 the amend the zoning ordinances of the Borough to create new provisions to Section 420-44(g); and

WHEREAS, these amendments permitted certain setback conditions commonly known as “zero lot lines;” and

WHEREAS, after consultation with the Planning Board of the Borough of Middlesex, the Borough Council now seeks to review the aforementioned provisions; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Section 420-44(g) of Article VI (District Regulations) of the Municipal Code thereof is hereby repealed in its entirety;

BE IT FURTHER ORDAINED, that all ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, 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.

BE IT FURTHER ORDAINED, 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).

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

INTRODUCED: May 28, 2019

DATE OF PUBLICATION:
OF INTRODUCTION May 31, 2019

ORDINANCE #1965-19

AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.099 ACRES KNOWN AS A PORTION OF LOT 8 IN BLOCK 326 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED SENECA AVENUE PURSUANT TO N.J.S.A. 40A:12-13(B)(5)

WHEREAS, the Borough is the fee simple owner of a parcel of land known as Lot 8 in Block 326 on the Middlesex Borough Tax Map, located on Seneca Avenue which lot is less than the minimum size required for development under the municipal zoning ordinance, and the Borough wishes to sell a 0.099 acre portion of the lot which is not needed for public use (the "Property"); and

WHEREAS, there are three properties which are contiguous to Lot 8 in Block 326, namely, Lot 1.01 of Block 326 owned by Eric & Ursula Stender, Lot 1 of Block 325 owned by Walter Ryan and Lot 1 of Block 326 owned by Florence & Bryan Morz; and

WHEREAS, by virtue of the existence of these three contiguous properties, the Property must be first offered for sale to the owners of these three contiguous properties pursuant to N.J.S.A. 40A:12-13.2 and N.J.S.A. 40A:12-13(b)(5); and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that the Property be and is hereby offered for sale, subject to all restrictions and limitations of record or as may be found to exist on the Property, to the owners of the three contiguous properties to Lot 8 of Block 326 as named hereinabove in accordance with N.J.S.A.40A:12-13.2 and pursuant to N.J.S.A. 40A:12-13(b)(5) as more specifically delineated hereinbelow:

SECTION I

Part A **Existing Facts**

1. The Borough is the fee simple owner of Lot 8 in Block 326 on the Middlesex Borough Tax Map, located near Seneca Street.
2. The lot in question, as shown on Exhibit A, is a substantially isolated lot and is adjacent to the watercourse known as the Ambrose Brook. It is located in the R-75 Residential Zone and is below the minimum lot size for development therein.
3. There are three properties which are contiguous to Lot 326 in Block 8, namely, Lot 1.01 of Block 326 owned by Eric & Ursula Stender, Lot 1 of Block 325 owned by Walter Ryan and Lot 1 of Block 326 owned by Florence & Bryan Morz.
4. Pursuant to N.J.S.A. 40A:12-13.2, the owners of these three contiguous properties enjoy the right to prior refusal to purchase Lot 8 in Block 326.
5. Lot 8 in Block 326 is not needed for public use.

6. There is no capital improvement existent on Lot 8 in Block 326.
7. The fair market value of Lot 8 in Block 326, as determined by the Borough Tax Assessor, is \$2,500.00.

Part B **Sale Pursuant To N.J.S.A. 40A: 12-13(b)(5)**

8. The Property, pursuant to N.J.S.A. 40A:12-13(b)(5), is hereby offered for sale to the highest bidder between Lot 1.01 of Block 326 owned by Eric & Ursula Stender, Lot 1 of Block 325 owned by Walter Ryan and Lot 1 of Block 326 owned by Florence & Bryan Morz.
9. Pursuant to N.J.S.A. 40A:12-13(b)(5), "any such sale shall not be for less than the fair market value of said real Property."
10. The minimum price for which the Property shall be sold to the contiguous landowners is \$2,500.00, which is the fair market value of the Property as set forth in paragraph 7 above.
11. This offer of sale of the Property to the three contiguous landowners, as reflected in this Ordinance, shall be, pursuant to N.J.S.A. 40A: 2-13(b)(5):
 - a) This Ordinance and the Public Notice shall be posted in Middlesex Borough Hall, located at 1200 Mountain Ave, Middlesex, NJ 08846.
 - b) The Notice to sell shall be placed as an advertisement in a newspaper circulating in the Borough in which Lot 8 in Block 326 is situated, namely, **The Courier News**.
 - c) Both the posting and the advertisement shall occur within five days following the date of enactment of this Ordinance.
12. In addition, so as to ensure compliance with N.J.S.A.40A:12-13.2, the Borough shall mail a copy of this Ordinance, as enacted, to each of the three contiguous Property owners within five days of the enactment of this Ordinance, by personal service upon each of them or by certified mail, return receipt requested.
13. Offers to purchase the Property may be made by each of the three contiguous landowners within a period of twenty (20) days following the advertisement set forth hereinabove. Said offer shall be made for not less than the minimum price set forth in paragraph 10 above.
14. Pursuant to N.J.S.A.40A:12-13(b), the Borough, having offered the Property for private sale to the three contiguous landowners, will file, with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of the advertisement referenced in paragraph 11(b) hereinabove.
15. The offers made by each of the three contiguous landowners shall be accompanied by a certified check or bank check in the amount of 10% of the

offer. The check shall be made payable to the Borough and held in escrow until the closing of title occurs.

16. The highest offer made above the minimum price of \$2,500.00, consistent with the terms of this Ordinance, Part B, shall be accepted and a closing of title will be required to occur within 60 days after the offer is accepted. Should a closing not occur within that time frame, for any reason related directly or indirectly to the offeror, the Borough shall have the right to terminate this sale. In that eventuality, the other contiguous landowner shall have the right within 10 days after notification that the sale to the other contiguous landowner has been terminated to re-submit his original offer and effect a closing of title in accordance with the terms set forth in paragraph 15 above and the first sentence of this paragraph 16.

SECTION II

This Ordinance shall take effect upon final passage and publication according to law.

SECTION III

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

SECTION IV

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.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

INTRODUCED:

DATE OF PUBLICATION:
OF INTRODUCTION

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

Resolution #146-2019

**AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES FOR 2019 2ND
QUARTER IN THE AMOUNT OF \$2020.02 FOR BLOCK 241, LOT 1, AS
HOMEOWNER HAS BEEN DECLARED A 100% DISABLED VETERAN**

WHEREAS, the homeowner of 30 Martin Street, Block 241 Lot 1, has been declared a 100% Disabled Veteran by the Division of Veterans Affairs, and:

WHEREAS, 100% Disabled Veterans are tax exempt, and;

NOW THEREFORE, the Tax Collector is hereby authorized to cancel taxes for 2019 2nd quarter, in the amount of \$2020.02.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #147-2019

**REFUNDING OVERPAYMENT OF \$200 FOR MERCANTILE LICENSE FOR
2019/2020**

Due to a program malfunction, the Treasurer is authorized to refund \$200.00 that was incorrectly charged to Wendy's, 1272 Bound Brook Road, Middlesex, NJ, Attention Laura Butrico for a Mercantile Licenses for 2019/2020:

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #148-2019

**AUTHORIZING THE TAX COLLECTOR TO REFUND INTEREST AND PAYMENT
FOR THE TAX LIEN FOR BLOCK 70.10, LOT 4**

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	70.10	4	\$58.35	\$100.00	18-00001	US Bank Cust Actlien
						50 South 16 th St.
						Philadelphia, PA 19102

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #149-2019

**RESOLUTION OF SUPPORT OF A NEW JERSEY DEPARTMENT OF
TRANSPORTATION PROMULGATED TRAFFIC REGULATION ORDER IN ORDER
TO UPGRADE EXISTING "WINK-O-MATIC" 25 MPH WHEN FLASHING SCHOOL
SPEED LIMIT SIGNS**

WHEREAS, The New Jersey Department of Transportation, Bureau of Traffic Engineering's Traffic Signal Section has conducted an investigation at the intersection of Route NJ 28 (Union Avenue) and Lorraine Avenue, at the request of Middlesex Borough; and

WHEREAS, as a result of said investigation, N.J.D.O.T. Traffic Signal Engineers have recommended the installation of a hybrid-pedestrian beacon at the intersection of Route NJ 28 (Union Avenue) and Lorraine Avenue, replacing the existing "Wink-O-Matic" 25 MPH When Flashing School speed limit signs; and

WHEREAS, in order to legally re-establish the existing speed zones without the current signs, a "Traffic Regulation Order (TRO)" is necessary to remove the words "25 MPH WHEN FLASHING SIGNS ARE OPERATING" so that the existing speed limit may be enforced

WHEREAS, the N.J.D.O.T. has notified the Borough of Middlesex that the initial step in the TRO process is to receive a Resolution of support from the municipal governing body pursuant to N.J.S.A. 39:4-8.4c.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey, do hereby support a Traffic Regulation Order to read as follows:

Speed Limits:

Along Route NJ 28 (Union Avenue)

For both directions of traffic:

(A) Zone 1: 35 MPH between the Bound Brook Borough-Middlesex Borough corporate line and Grove Avenue, except for 25 MPH when passing through the Van E. Mauger Middle School zone during recess, when the presence of children is clearly visible from the roadway or while children are going to or leaving school, during the opening or closing hours. (approximate mileposts 8.22 to 11.21; thence

(B) Zone 2: 30 MPH between Grove Avenue and the Middlesex Borough-Dunellen Borough corporate line (approximate mileposts 11.21 to 11.36)

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #150-2019

APPOINTING FUND COMMISSIONER TO THE CENTRAL JERSEY JOINT INSURANCE FUND.

WHEREAS: Public Law 1983, c.372 (N.J.S.A. 40A:10-36 et seq) permits municipalities to join together to form a joint insurance fund; and

WHEREAS, the Central Jersey Joint Insurance Fund is duly constituted as a Municipal Self-Insurance Fund; and

WHEREAS, the Borough of Middlesex is a member of the Central Jersey Joint Insurance Fund; and

WHEREAS, the NJSA 40A:10-36 et seq as well as the Bylaws of the Central Jersey Joint Insurance Fund provide that "in the manner generally prescribed by law, each member shall appoint one (1) commissioner to the Fund. Each member shall select either a member of its governing body or one of its employees and,

WHEREAS the term of the appointment is either:

1. A commissioner, other than the special commissioner, who is a member of the appointing municipality's governing body shall hold office for two years or for the remainder of his/her term of office as a member of the governing body, whichever shall be less.
2. Commissioners who are employees of the appointing member shall hold office at the pleasure of the Borough and can be removed by the Borough at any time without cause.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Middlesex does hereby appoint Marcia A. Karrow to serve as Fund Commissioner to the Central Jersey Joint Insurance Fund.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #151-2019

**APPROVAL TO SUBMIT “REEVALUATION OF PROJECT LIMITS” FOR MA FY
2019 N.J.D.O.T. GRANT FUNDING**

WHEREAS, the Borough Council of the Borough of Middlesex did authorize submission of an application for MA 2019-2019 N.J.D.O.T. grant funding, via Resolution #262-2018, for road improvements to Harris Avenue, Fisher Avenue, and Ashland Road; and

WHEREAS, the Borough of Middlesex finds it necessary to amend the application for said funding which requires the execution of a “Reevaluation of Project Limits” in order to remove Harris Avenue from the scope of work of the 2019 Road Improvements Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Borough Clerk and Borough Engineer be and are hereby authorized to sign the “Reevaluation of Project Limits” in order to remove Harris Avenue from the 2019 Road Improvement Project scope of work.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

WHEREAS, N.J.S.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).

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #152-2019

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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.

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

Resolution #153-2019

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. Potential Litigation, Insurance claim denial

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 28, 2019.