



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, May 28, 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

ROLL CALL

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

Council Member Dan Parenti -- **Absent**

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1961-19 by title:

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.

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

The Borough Clerk read ordinance 1962-19 by title:

ORDINANCE 1962-19

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE BOUND BROOK ROAD 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.

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, Dotey, Mikolajczyk	
ABSENT:	Parenti	

The Borough Clerk read ordinance 1963-19 by title:

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.

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, Dotey, Mikolajczyk	
ABSENT:	Parenti	

The Borough Clerk read ordinance 1964-19 by title:

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).

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

The Borough Clerk read ordinance 1965-19 by title:

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 valid and effective.

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

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

MAYOR'S REPORT

Mayor DiMura had no report.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Councilman Mikolajczyk reported that Hodulik & Morrison has now become a division of PKF O'Connor Davies, LLP.

Fire/OEM/Rescue Squad

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

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

2. Board of Fire Officer's Update

Councilman Rex informed the Council that Diego Ugalde has been accepted as an active member of the Middlesex Fire Department and Jeff Meyer has returned from a 3 month leave of absence effective May 20, 2019.

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

3. OEM's Request to bring OEM Vehicle to Basilone Parade in Raritan on September 22, 2019

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

4. Rescue Squad Open House

Councilman Rex reported on the Rescue Squad Open House that was held on May 19, 2019 and the events that were included. This Open House, which celebrated the kick off of EMS week included Blood Pressure Screening by Borough EMTs, participation in RWJ Somerset hearing testing, and the American Red Cross Blood Donations.

Recreation/Recreation Fields/Swim Pool/Community Celebrations

Councilman Madden reported that the Memorial Day Parade was a great event and well attended.

Public Works/Buildings & Grounds/Recycling

Councilman Parenti was absent.

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

1. Approval of the April, 2019 Police Report

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

Administration/Department of Senior Services/Legislation/Licensing

Councilman Carr reported that he had completed his report on the televising of Regular Meetings and will report at the June 11, 2019 Meeting.

ADMINISTRATOR'S REPORT

The Borough Administrator reported on the following items:

1. The Summer Newsletter will be published June 21. If Council has any additional items they should send them to her.
 2. The Administrator is working on a check list of matters for the JIF which are due by October 15. The Borough will have to redo their personnel policy, and Attorney Corsini will be reviewing. The Borough will be entitled to keep the low deductibles if we comply with this update, which is anticipated to be completed during the summer. Ms. Karrow will be attending the next JIF Fund Commissioners Meeting on June 19.
 3. With regard to flood issues Administrator Karrow will be attending the Middlesex County CRS User Group on June 21 and also plans to take the Flood Plain Management Course on August 9, and receive her certification in October.
 4. Ms. Karrow has scheduled a community contact meeting with the Middlesex Planning staff, FEMA and DEP for August.
 5. Ms. Karrow indicated that Attorney Corsini will be reviewing the flood ordinance that must be in place for the designation new model ordinances that were introduced this year by DEP and hope to introduce the ordinance at the June 11 Regular Meeting. Once this ordinance is adopted, the council can pass a resolution to get into the CRS Program.
 6. Ms. Karrow is working with the Army Corp. for a Town Hall Meeting to be held on June 20th at 7PM at Borough Hall. If Council plans on attending, a Special Meeting Notice must be prepared.
 7. Ms. Karrow gave an update on the revaluation and reported that the Assesor has completed the update of the tax map and it was submitted on May 13th to the Division of Taxation for review. After review (approximately 6 weeks) we should receive approval to move forward. The Assessor is in the process of drafting an RFP for release.
 8. Ms. Karrow is working with the Recreation Director and Borough Attorney to prepared revised Recreation Department policies and ordinances. Anticipated introduction of this ordinance is for the June 25, 2019 Regular Meeting.
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PRIVILEGE OF THE FLOOR

John Erickson, 209 Second Street questioned if the Streetscape Project included curbing or was just beautification and also thanked the Mayor and Council for picking up the HUD benches at Cap Lane Park.

Dave Polakiewicz, 240 Hazelwood Avenue questioned what would happen with the PILOT Program funds that the Borough receives for the new supermarket if it goes out of business.

Rich Rutkowski, 211 Maple Street questioned if the computer that was used by the CRS Operator had been located.

Rich Thomasey, 109 Greene Avenue asked about the traffic study that was being done for the east end of town regarding the potential apartments and who was doing the study.

Mayor DiMura responded to all questions.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

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

RESOLUTION 148-2019

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

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 10102

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

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

The Borough Clerk read the following resolution:

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

RESOLUTION 151-2019

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

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.

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

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 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.

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

The Borough Clerk read the following resolution:

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

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

AGENDA WORKSHOP ITEM

Council discussed waiving the Fees for

1. Waiver of Fee for JV Baseball Field

Council discussed the waiver of fees for use of the Cook JV Baseball field at Cook for 7 weeks from 9AM - 3PM and also setting a precedent by waiving these fees. The Recreation Director mentioned that the cost to rent this field based on the current ordinance would cost the team \$7.650 for rental fees. The cheapest that it would cost to maintain the field would be 1200, with DPW working overtime or adding this maintenance to the regular work week duties. These teams are part of a 501C(7) Charity Social Club and the one team is 50% Middlesex Residents. Council directed the Administrator to ask the person that made this request if this request to waive these fees is on behalf of only one team (50% Middlesex residents) or of the entire league. Administrator Karrow will report on this matter at the June 11, 2019 Regular Meeting.

2. Bound Brook Road Streetscape

Mayor DiMura will be forming a councilmatic committee to put plans together for the Bound Brook Road Streetscape project.

3. American Legion Request for Beer Garden on park property

Mayor DiMura reported that the American Legion has requested to have a Beer Garden at the Gazebo on September 7th to celebrate their 100 Year Anniversary and is requesting that the Council waive the "No Alcohol Policy" at the Park to permit them to have this Beer Garden. Council approved permitting alcohol for this event and will approve by resolution at the June 11, 2019 Regular Meeting.

4. Marijuana Ordinance

Council discussed the Marijuana Ordinance and Mayor DiMura stated that by adopting this ordinance we are sending a message to our residents. Council agreed to introduce at the June 11, 2019 Regular Meeting.

5. Request to Waive Board of Health License Fee for T.C. Hallmark

Council approved waiving the Board of Health License Fee for T.C. Hallmark as the owner is closing his business and retiring the first week of July after many years of business at the Middlesex Shopping Center.

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

Council discussed the resolution to begin the process with the Planner to start a Redevelopment Plan along Block 353, Lots 1.01 and 1.02. Attorney Corsini indicated that after the hearings on this redevelopment plan this matter will come back to the Governing Body. Council agreed to move forward with the Resolution.

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)

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).

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

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Rich Rutkowski, 211 Maple Street questioned the field that the Council were discussing regarding waiving of the fees and indicated that if it were a field on green acres that you can never waive the fees.

Evan Walters, 837 W. Second Street feels it would be too problematic for the Council to waive the fees and that when the taxpayers go to use the field it will be all torn up. He also suggested that the town vote on whether this should be allowed by referendum.

EXECUTIVE SESSION

1. Potential Litigation, Insurance Claim Denial

ADJOURNMENT

The next Regular Meeting will be June 11, 2019

Respectfully yours,

Borough Clerk