



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, June 25, 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 Dan Parenti
Council Member Kevin Dotey
Council Member Jack Mikolajczyk

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

1. Appointment of Jeff Killian to the Shade Tree Commission
Mayor DiMura appointed Jeff Killian to the Shade Tree Commission.

PROCLAMATIONS

BUDGET HEARING ON AMENDMENT

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

The Borough Clerk read the following resolution in full:

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

RESOLUTION 172-2019

BUDGET AMENDMENT FOR 2019

WHEREAS, the local municipal budget for the year 2019 was introduced on the 9th day of April, and;

WHEREAS, the public hearing on said budget has been held as advertised, and;

WHEREAS, it is desired to amend said introduced budget;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, County of Middlesex, that the following amendments to the introduced budget of 2019 be made:

CURRENT FUND- ANTICIPATED REVENUES

	FROM	TO
3. Miscellaneous Revenues - Section A: Local Revenues		
Sewer Rents Receivable	\$1,145,700.00	\$1,144,500.00
Total Section A: Local Revenues	\$2,412,883.76	\$2,411,683.76
3. Miscellaneous Revenues - Section B: State Aid		
Without Offsetting Appropriations		
Consolidated Municipal Property Tax Relief Act	\$130,525.00	\$58,620.00
Energy Receipts Tax	\$1,649,289.00	\$1,721,194.00
Total Section B: State Aid	\$1,779,814.00	\$1,779,814.00
3. Miscellaneous Revenues - Section F: Special Items		
Public & Private Offset with Appropriations		
CDBG - County HUD Funds	\$48,921.00	\$63,486.00
Total Section F: Special Items Public & Private	\$206,334.90	\$220,899.90
3. Miscellaneous Revenues - Section G: Special Items		
Other Special Items Anticipated		
Reserve for Payment of Debt Service	\$0.00	\$20,672.00
Total Section G: Other Special Items	\$200,000.00	\$220,672.00

Total Miscellaneous Revenues	\$4,888,032.66	\$4,922,069.66
4. Receipts from Delinquent Taxes	\$450,000.00	\$451,200.00
5. Subtotal General Revenues	\$7,538,032.66	\$7,573,269.66
7. Total General Revenues	\$20,753,446.33	\$20,788,683.33

CURRENT FUND - APPROPRIATIONS

	FROM	TO
8. General Appropriations		
E - Deferred Charges & Statutory Expenditures		
Deficit - Swim Pool Utility - Current Year	\$0.00	\$56,802.00
Total Deferred Charges & Statutory Expenditures		
Municipal within "CAPS"	\$1,592,490.00	\$1,649,292.00
H-1 Total General Appropriations		
Municipal Purposes within "CAPS"	\$14,326,093.00	\$14,382,895.00
8. General Appropriations		
A- Operations Excluded from "CAPS"		
Public & Private Offset by Revenues		
CDBG - County HUD Funds	\$48,921.00	\$63,486.00
Total Public & Private Offset by Revenues	\$212,576.15	\$227,141.15
Total Operations - Excluded from "CAPS"	\$3,141,526.15	\$3,156,091.15
8. General Appropriations		
D - Municipal Debt Service		
Payment of Bond Principal	\$1,011,472.00	\$973,000.00
Interest on Bonds	\$240,331.26	\$222,001.26
Interest on Notes	\$72,568.27	\$93,240.27
H-2 Total General Appropriations		
Municipal Purposes Excluded from "CAPS"	\$5,606,585.63	\$5,585,020.63

Subtotal General Appropriations	\$19,932,678.63	\$19,967,915.63
9. Total General Appropriations	\$20,753,446.33	\$20,788,683.33

SWIM POOL UTILITY - DEDICATED REVENUES

	FROM	TO
10. Dedicated Revenues - Swim Pool		
Deficit (General Budget)	\$0.00	\$56,802.00
Total Swimming Pool Utility Revenues	\$447,628.00	\$504,430.00

SWIM POOL UTILITY - APPROPRIATIONS

	FROM	TO
11. Appropriations - Swim Pool		
Debt Service		
Payment of Bond Principal	\$78,528.00	\$117,000.00
Interest on Bonds	\$0.00	\$18,330.00
Total Swimming Pool Utility Appropriations	\$447,628.00	\$504,430.00

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2019 local municipal budget so amended.

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

The Borough Clerk read the following resolution:

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

RESOLUTION 173-2019

ADOPTION OF THE 2019 MUNICIPAL BUDGET

BOROUGH OF MIDDLESEX
MIDDLESEX COUNTY, NEW JERSEY

RESOLUTION TO ADOPT 2019 MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$12,696,627.41	(Item 2 below) for Municipal Purposes
\$ 518,786.26	(Item 5 below) Minimum Library Tax

Current Fund:

SUMMARY OF REVENUES

Surplus	\$2,200,000.00
Anticipated	
Miscellaneous Revenues	\$4,922,069.66
Anticipated	
Receipts from Delinquent Taxes	\$451,200.00
Amount to be Raised by Taxation	
for Municipal Purposes	\$12,696,627.41
Amount to be Raised by Taxation	
Minimum Library Tax	\$518,786.26
 Total	 \$20,788,683.33
Revenues	

SUMMARY OF APPROPRIATIONS

General Appropriations within
"CAPS"

Operations Including Contingent	\$12,733,603.00
Deferred Charges & Statutory	\$1,649,292.00
Expenditures	

General Appropriations Excluded from "CAPS"

Operations	\$3,156,091.15
Capital Improvements	\$65,000.00
Municipal Debt Service	\$2,213,929.48
Deferred Charges -	\$150,000.00
Municipal	
Reserve for Uncollected	\$820,767.70
Taxes	

Total Appropriations**\$20,788,683.33**

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 25th day of June 2019. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2019 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1967-19 by title:

ORDINANCE 1967-19**CREATING A NEW CHAPTER 321 ENTITLED "RECREATIONAL MARIJUANA" TO BAN THE SALE, CULTIVATION, MANUFACTURING AND TESTING OF RECREATIONAL MARIJUANA WITHIN MIDDLESEX BOROUGH**

WHEREAS, there is currently a proposal under consideration by the Legislature of the State of New Jersey to legalize the recreational use of cannabis (colloquially known as "marijuana"); and

WHEREAS, the Mayor and Council of the Borough of Middlesex seeks to use the regulatory power conferred upon municipalities in the current proposed legislation to prohibit the retail sale, cultivation, manufacturing and testing of marijuana products for recreational use within the boundaries of Borough of Middlesex; and

BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that a new section entitled "Recreational Marijuana" shall be inserted into the designated as Chapter 321 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, at Chapter 321 and shall read as follows:

Section I

Chapter 321-1 is hereby created and entitled "Purpose" and shall read as follows:

The purpose of this Chapter is the regulation of the retail sale, cultivation, manufacturing and testing of recreational marijuana within the Borough of Middlesex, in the County of Middlesex, in accordance with the provisions of the "New Jersey Marijuana Legalization Act."

Section II

Chapter 53-2 is hereby created and entitled "Administrative Authority" and shall read as

follows:

The Borough Council of the Borough of Middlesex, being the governing body of said municipality and a local government entity pursuant to the "New Jersey Marijuana Legalization Act," shall constitute the administrative authority for the regulation of recreational marijuana sale and consumption within Middlesex Borough and consistent with the statutes of the State of New Jersey.

Section III

Chapter 53-3 is hereby created and entitled "Definitions" and shall read as follows:

Marijuana Cultivation Facility shall be defined as a facility licensed to grow and cultivate marijuana and to sell marijuana cultivation facilities and to other marijuana cultivation facilities, but not to consumers.

Marijuana Product Manufacturing Facilities shall be defined as an entity licensed to purchase marijuana; manufacture, prepare and package marijuana items; and sell items to other marijuana product manufacturing facilities and to marijuana retailers, but not to consumers.

Marijuana Testing Facilities shall be defined as an independent, third-party entity meeting accreditation requirements established by the division that is licensed to analyze and certify the safety and potency of marijuana items.

Marijuana Retailer Establishments shall be defined as an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana items from marijuana product manufacturing facilities or marijuana wholesalers, and to sell marijuana and marijuana products to consumers from a retail store, which shall also be known as a dispensary.

Section IV

Chapter 53-4 is hereby created and entitled "General Prohibition" and shall read as follows:

The operation of marijuana retail establishments, marijuana cultivations facilities, marijuana product manufacturing facilities and marijuana testing facilities are hereby prohibited in the Borough of Middlesex.

Nothing in this Chapter shall prohibit the operation of Alternate Treatment Centers ("ATC") pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:6I-1 et seq., provided that no ATC shall also hold a license as a marijuana retail establishment for the purposes of dispensing marijuana for recreational consumption.

Section V

Chapter 53-4 is hereby created and entitled "Violations and Penalties" and shall read as follows:

Any person who shall knowingly violate any of the provisions of this Part shall, upon conviction, be subject to a fine of not more than \$500 or imprisonment for a term of not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

Section VI

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

Section VII

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section VIII

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

Council discussed the testing/manufacturing of the recreational marijuana along with the issue that the marijuana ordinance was directed to "recreational marijuana" only.

Councilman Rex stated for the record that he has a strong opinion regarding marijuana, and he believes it is a gateway drug. He is aware that too many people have used marijuana and it has led them to other addictive drugs.

RESULT:	FIRST READING [UNANIMOUS]	Next: 7/16/2019 7:00 PM
MOVER:	Kevin Dotey, Council Member	
SECONDER:	John Madden, Council President	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1966-19 by title:

ORDINANCE 1966-19

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, TO REPEAL A PORTION OF ORDINANCE NO. 1549-01 THAT DESIGNATES WASHINGTON AVENUE - STARLIT DRIVE AS A THROUGH STREET

WHEREAS, the Governing Body of the Borough of Middlesex previously determined that Washington Avenue-Starlit Drive should be designated as a through street in accordance with N.J.S.A. 39:4-140 pursuant to Ordinance No. 1549-01; and

WHEREAS, the Governing Body has determined that it is no longer appropriate for Washington Avenue-Starlit Drive to be designated as a through street; and

WHEREAS, N.J.S.A. 39:4-197(2)(a) permits a municipality to regulate which streets are designated as through streets in accordance with N.J.S.A. 39:4-140 without the prior approval of the Commissioner of the Department of Transportation.

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

1. That portion of Ordinance No. 1549-01 designating Washington Avenue-Starlit Drive

as a through street is hereby repealed.

2. This Ordinance will take effect upon final passage of publication of law.
3. The Borough Clerk is hereby directed to submit a certified copy of an adopted Ordinance to the State of New Jersey, Department of Transportation, 1035 Parkway Avenue, P.O. Box 613, Trenton, New Jersey 08625-0600.

Mayor DiMura opened the Public Hearing on Ordinance No. 1966-19. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on this ordinance.

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

ADOPTION OF MINUTES

1. Approval of the May 14, 2019 Regular & Executive Meeting Minutes

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

2. Approval of the June 11, 2019 Regular Meeting Minutes

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

MAYOR'S REPORT

Mayor DiMura had nothing to report.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Councilman Mikolajczyk reported that it was nice to see that the budget was approved and also that the Shade Tree Commission has a new member.

Fire/OEM/Rescue Squad

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

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

2. Approval of the Board of Fire Officer's Update

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

Recreation/Recreation Fields/Swim Pool/Community Celebrations

1. Approval of the June, 2019 Recreation Director's Report

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

2. Approval of the May, 2019 Recreation Trust Summary

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

Public Works/Buildings & Grounds/Recycling

Councilman Parenti had nothing to report.

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

1. Approval of the May, 2019 Police Report

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

Administration/Department of Senior Services/Legislation/Licensing

1. By-Laws of Council

Councilman Carr reported that the Administrative Committee will be reviewing the By-Laws and all the ordinances of the borough. Phase I will be the review of the By-Laws and Code of Conduct and Phase II will be reviewing all old ordinances. Councilman Carr reported that there is no timetable for this project, but the Administrative Committee will report back once completed. Mayor DiMura also recommended that social media should be addressed in the By-Laws. It was suggested that the Administrative Committee also reach out to the

Department Heads to see what ordinance effects their department. The Administrator also requested to be included in this review process.

ADMINISTRATOR'S REPORT

Administrator Karrow discussed the following items listed below:

- I. Flood Management
 - i. Middlesex County CRS User Group Meeting June 21st.
 - ii. Flood Management Ordinance Model D "Best" Ordinance
 - iii. US ACE Town Hall on Rights of Entry, June 20th, 7 PM, at Borough Hall Update.
- II. Update on Sewer Projects:
 - i. Phase I:
 - a. i-Bank (formerly EIT) funding reimbursement
 - b. Additional work on George Street needed (closed session);
 - c. Funds remaining - recommendation still forthcoming;
 - d. O&M Manual required by DEP
 - ii. Phase II Funding;
 - iii. Phase IV: Sewer Bypass
- III. Update on Other Public Works Projects:
 - i. Streetscape Project
 - ii. South Avenue Reconstruction
- IV. Phone line issues
- V. JIF Fund Commissioners Meeting - June 19th Update
- VI. Video Taping of Meetings
- VII. Miscellaneous
 - i. New Multi-purpose meeting room
 - ii. Active Shooter Training for Staff
 - iii. Spotted Lanternfly in Mountain View Park
 - iv. Rec Center, Rec Policies and Rec Ordinance Updates
 - v. Purchasing Manual Update
 - vi. Revaluation Bid
 - vii. Summer Newsletter
- VIII. Update on services supplied by Mosquito Control Commission:
 - i. Army Corps Pump Stations
 - ii. Dredging of Lake

PRIVILEGE OF THE FLOOR

Betty Platten, 4 Hooker Street questioned what was being done at Victor Crowell Park and expressed her concerns about spraying pesticides at Mountain View Park.

Rich Thomasey, 109 Green Avenue questioned why the Notice of Contract Award for Professional Services in the borough that was in the Courier News today did not include contract amounts - only stating "per contract".

Rich Rutkowski, 211 Maple Street commended the Administrator, questioned if the Council had seen the Counter-Claim about OLMV and if the Borough was still under contract with Direct Development.

Mayor DiMura addressed all questions above, along with Borough Clerk who addressed the Notice of Contract Award for Professional Services.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

The Borough Clerk read the following resolution:

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

RESOLUTION 174-2019

HIRING OF SUMMER PLAYGROUND STAFF FOR JULY 1, 2019 - AUGUST 9, 2019

The Governing Body hereby approves the hiring of the 2019 Summer Playground Staff listed below and agrees to pay these employees the hourly rate indicated. The Summer Program is effective from July 1, 2019 - August 9, 2019.

Bennett, Kristin	11.03
Buckley, Brendan	9.00
Buckley, Haley	10.40
Chismar, Chris	17.73
Craig, Jared	9.00
Devine, Mallory	9.00
Devine, Natalie	9.48
Eustace, Will	11.04
Flood, Kyle	9.00
Galati, Jake	9.00
Geist, Mark	9.00
Heisch, Jessica	9.00
May, Jarrett	9.48
McCrone, Bridget	9.48
Penrose, Katie	11.04
Pettit, Audrey	9.48
Smyth, Jack	9.00
Smyth, Noah	9.48
Zayle, Jackie	9.05

The Borough Clerk read the following resolution:

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

RESOLUTION 175-2019

**THE TAX COLLECTOR IS AUTHORIZED TO REFUND REDEMPTION FUNDS FOR
BLOCK 263, LOT 31.02**

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 payments on the following Tax Title Lien Redemptions were calculated for June 25th, 2019;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the said individual in the following amount(s):

<u>Sale Date</u>	<u>Block/Lot</u>	<u>Amount</u>	<u>Premium</u>	<u>Certificate</u>	<u>Payable To</u>
3/27/2018	263/31.02	\$1,587.16	0.00	17-00008	US Bank Cust for PC7 Firsttrust Bank 50 South 16 th Street Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

RESOLUTION 176-2019

**ADVANCING POLICE OFFICER SEAN FLANAGAN TO PATROLMAN CLASS "A"
EFFECTIVE JULY 10, 2019 AT AN ANNUAL SALARY OF \$111,574**

WHEREAS, Police Officer Sean Flanagan is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On June 17, 2019 Chief Geist recommended Police Officer Sean Flanagan be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Sean Flanagan be and is hereby advanced in grade to Patrolman Class "A" effective July 10, 2019 at an annual salary of \$111,574.

The Borough Clerk read the following resolution:

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

RESOLUTION 177-2019**RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON
POLICE AND FIRE ARBITRATION CONTRACT AWARDS**

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, has not officially released though it was due in December 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Borough of Middlesex, County of Middlesex, New Jersey urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature

will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assembly Representatives Linda S. Carter and James J. Kennedy, Senator Nicholas P. Scutari, New Jersey Senate President and Assembly Speaker, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

The Borough Clerk read the following resolution:

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

RESOLUTION 178-2019

GRANTING PERMISSION TO AT&T CORP. TO INSTALL COMMUNICATIONS FACILITIES ALONG, UNDER AND OVER THE PUBLIC RIGHT-OF-WAY IN ORDER TO PROVIDE COMMUNICATIONS SERVICES TO THE PUBLIC - *Item Removed from Consent*

WHEREAS, AT&T Corp., through its operating subsidiary Teleport Communications America, LLC (collectively, "AT&T"), is communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communication facilities in Middlesex public right-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey, Inc., and Verizon has required that AT&T obtain approval of the Middlesex Borough Council as a condition of such access;

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

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Middlesex Borough in order to provide communications services to the public, and to operate, maintain, and repair said facilities, subject to the following:

- A. The facilities shall be installed in underground conduit and/or onto existing poles in the public right-of-way.
- B. AT&T, its successors and assigns, shall adhere to all applicable Federal State and Local laws regarding safety requirements for the use of the public right-of-way
- C. AT&T, its successors and assigns, shall comply with all Federal, State and Local laws requiring permits prior to beginning construction.
- D. Such permission be and is hereby given upon the condition and provision

that AT&T, its successors and assigns, not only indemnify and save harmless Middlesex Borough, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way, but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.

- E. In addition to the aforesaid indemnity agreement, AT&T, its successor and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D. shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.
- G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.
- H. AT&T shall be responsible for the repair or damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation, or maintenance of said plant.
- I. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- J. This instrument shall be adopted on behalf of the Borough by the Middlesex Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of fifteen (15) years. Such permission and authority shall be automatically extended for additional periods of five (5) years each; provided, however, that the Borough shall have the right to terminate permission and

authority effective at the end of the currently effective term, by Resolution with a minimum of one (1 year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority effective at the end of the currently effective term, by request for Resolution with a minimum of one year from passage of such Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

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

The Borough Clerk read the following resolution:

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

RESOLUTION 179-2019

APPROVING THE MAYOR TO EXECUTE THE MCUA TEMPORARY DISCHARGE APPROVAL APPLICATION FROM THE PUMPING SERVICES SITE TO THE MCUA CENTRAL TREATMENT PLANT VIA THE BOROUGH'S WASTEWATER COLLECTION SYSTEM AND MCUA MIDDLESEX METER CHAMBER - *Item Removed from Consent*

WHEREAS, Prestige Environmental Inc. on behalf of Pumping Services Inc. has provided a copy of the Temporary Discharge Approval Application for a Dual Phase Extraction (DPE) remediation system that will remove both shallow groundwater and soil vapor using a single high vacuum process with a discharge of treated groundwater, to the MCUA Central Treatment Plant, via the Middlesex Borough wastewater collection system and the MCUA Middlesex Meter Chamber, from the Pumping Services Inc. location at 201 Lincoln Boulevard; and

WHEREAS, Prestige Environmental Inc. is required to have the Borough's approval on a yearly basis for discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber.

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

1. Middlesex Borough hereby approves the Mayor to execute of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber.
2. This resolution shall take effect immediately.

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

The Borough Clerk read the following resolution:

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

RESOLUTION 180-2019

EXTENDING THE CONDITIONAL DESIGNATION OF ADVANCED DEVELOPMENT GROUP AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 317 LOTS 3, 7 & 14.01, IN THE LINCOLN BOULEVARD REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A MIXED-USE PROJECT

WHEREAS, Tax Block 317, Lots 3, 7 and 14.01 (the "Property") is located in the Lincoln Boulevard Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, the Borough of Middlesex (the "Borough") is desirous of the redevelopment of this 1.4+/- acre site for re-use consistent with the Borough's Master Plan and the Redevelopment Plan for the Redevelopment Area, adopted on December 13, 2016 as amended; and

WHEREAS, Advanced Development Group, made a presentation to the Borough Economic Development Advisory Committee regarding its concept proposal for the Property; and

WHEREAS, the Property is public and privately owned and Advanced Development Group, have a contract to purchase the privately-owned property; and

WHEREAS, Advanced Development Group have committed to rehabilitate the Publicly owned property Block 317 Lot 7 known as the Lincoln Monument Park for public use, and

WHEREAS, the proposal has been found consistent with the Borough's goals for redeveloping the area.

WHEREAS, on February 26, 2019 Advanced Development Group Somerset as redeveloper of the Property for a period of 120 days; and

WHEREAS, on April 26, 2019, Advanced Development Group and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Middlesex that it hereby extends the conditional designation as redeveloper of Advanced Development Group, 1084 Route 22 West Mountainside, NJ 07092, for the development of Tax Block 317, Lots 3, 7 and 14.01; located in the Lincoln Boulevard Redevelopment Area, for a mixed-use project, the detail of which is subject to further refinement, for the reasons set forth herein.

BE IT FURTHER RESOLVED, that said conditional designation is subject to the following conditions:

1. That the conditional designation is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That Advanced Development Group and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
3. That Advanced Development Group agrees to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The Borough Clerk read the following resolution:

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

RESOLUTION 181-2019

RESOLUTION AUTHORIZING THE SETTLEMENT OF CLAIM NO. 2019172358 (DATE OF LOSS APRIL 15, 2019) AS FILED BY SANDRA LASASSO OF 360 VOORHEES AVENUE IN THE BOROUGH OF MIDDLESEX IN THE AMOUNT OF \$300.00 AND THE RELEASE THEREBY OF THE BOROUGH OF MIDDLESEX FOR ALL FUTURE LIABILITY RELATED TO THIS CLAIM

WHEREAS, Sandra LaSasso (hereafter "Property Owner"), residing at 360 Voorhees Avenue (hereafter "Property") in the Borough of Middlesex, suffered property damage as a result of a April 15, 2019 storm; specifically, to a fence located on her property ; and

WHEREAS, the Property is adjacent to Borough property and there is a dispute between the Property Owner and the Borough as to the Borough's liability under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.; and

WHEREAS, the parties desire to settle this matter amicably, with \$300.00 to be paid to the Property

Owner for release of any and all claims said Property Owner may have against the Borough of Middlesex arising out of the alleged April 15, 2019 loss;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does consent to the settlement of the aforementioned matter pursuant to the terms of the General Liability Release of Claims attached hereto and the Treasurer hereby certifies that funds in the amount of \$300.00 are available in Account 9-01-35-470-000-101; and

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Middlesex is hereby authorized to execute said General Liability Release of Claims on behalf of the Borough of Middlesex.

Treasurer

The Borough Clerk read the following resolution:

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

RESOLUTION 182-2019

AUTHORIZING THE SETTLEMENT OF CLAIM NO. 28740-01 (DATE OF LOSS NOVEMBER 8, 2018) AS FILED BY JENNIFER GIAMPINO OF 13 NEW STREET IN THE BOROUGH OF MIDDLESEX IN THE AMOUNT OF \$2,234.23 AND THE RELEASE THEREBY OF THE BOROUGH OF MIDDLESEX FOR ALL FUTURE LIABILITY RELATED TO THIS CLAIM

WHEREAS, Jennifer Giampino (hereafter "Property Owner"), residing at 13 New Street (hereafter "Property") in the Borough of Middlesex, suffered property damage as a result of a November 8, 2018 storm, including damage to her home and vehicle; and

WHEREAS, the Property is adjacent to Borough property and there is a dispute between the Property Owner and the Borough as to the Borough's liability under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.; and

WHEREAS, the parties desire to settle this matter amicably, with \$2,234.23 to be paid to the Property Owner for release of any and all claims said Property Owner may have against the Borough of Middlesex arising out of the alleged November 8, 2018 loss;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does consent to the settlement of the aforementioned matter pursuant to the terms of the General Liability Release of Claims attached hereto and the Treasurer hereby certifies that funds in the amount of \$2,234.23 are available in Account No. 9-01-35-470-000-101; and

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Middlesex is hereby authorized to execute said General Liability Release of Claims on behalf of the Borough of Middlesex.

Treasurer

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 183-2019

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

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

The Borough Clerk read the following resolution:

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

RESOLUTION 184-2019

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. Strategies to Protect Public Security (School Security)
2. Anticipated Litigation (Sewers)

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

AGENDA WORKSHOP ITEM

1. Waiver of Fees for the Army Corp. of Engineers for Zoning Board Appearance

Council discussed approving the waiver of the fees for the Army Corp. of Engineers for their Zoning Board Appearance. A consensus of Council to approve this resolution was taken, and a resolution was approved below.

The Borough Clerk read the following resolution:

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

RESOLUTION 185-2019

GRANTING A WAIVER OF FILING FEES PURSUANT TO SECTION 248-10 OF THE BOROUGH CODE TO THE UNITED STATES ARMY CORP. OF ENGINEERS

WHEREAS, the Mayor and Council of the Borough of Middlesex desire to collaborate with the United States Army Corps of Engineers with regards to certain flood control projects inside the Borough; and

WHEREAS, in an effort to foster this collaboration and streamline and expedite the commencement of these projects, the Mayor and Council seek to waive certain filing fees incurred by the Corps of Engineers associated with future zoning and planning board applications; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby grant the United States Army Corps of Engineers a waiver of fees assessed by the Borough pursuant to Section 248-10 of the Code of the Borough of Middlesex;

BE IT FURTHER RESOLVED that the Council of the Borough of Middlesex may amend the terms of this waiver by future resolution.

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

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

1. Strategies to Protect Public Security (School Security)
 2. Anticipated Litigation (Sewers)
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ADJOURNMENT

The next Regular Meeting will be July 16, 2019

Respectfully yours,

Borough Clerk