Borough of Middlesex

Mayor and Council Regular Meeting

~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, July 16, 2019 | **7:00 PM** | **Municipal Building**

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

Attendee Name	Present	Absent	Late	Arrived
Mayor Ron DiMura	☐	☐	☐	
Council President John Madden	☐	☐	☐	
Council Member Douglas Rex	☐	☐	☐	
Council Member Jason Carr	☐	☐	☐	
Council Member Dan Parenti	☐	☐	☐	
Council Member Kevin Dotey	☐	☐	☐	
Council Member Jack Mikolajczyk	☐	☐	☐	
Administrator Marcia Karrow	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

4. **PRESENTATIONS**
    1. Presentation by Frank Rodgers of the Rodgers Group regarding benefits of police accreditation
5. **APPOINTMENTS**
6. **PROCLAMATIONS**
7. **ORDINANCE(S) FOR INTRODUCTION**
    1. **Ordinance 1968-19** BOND ORDINANCE REAPPROPRIATING $344,816.68 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF A NEW HVAC UNIT FOR THE PUBLIC LIBRARY AND THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

2. **Ordinance 1969-19** AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.067 ACRES KNOWN AS A PORTION OF LOT 1.02 IN BLOCK 222 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED IN THE REAR PORTION OF THE MIDDLESEX BOROUGH POLICE DEPARTMENT HEADQUARTERS PROPERTY PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

3. **Ordinance 1970-19** AN ORDINANCE AMENDING CHAPTER 332 OF THE BOROUGH CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "SEWERS" TO PERMIT THE ASSESSMENT OF INTEREST FOR LATE PAYMENTS

4. **Ordinance 1971-19** AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX ADOPTING A FLOOD DAMAGE PREVENTION ORDINANCE (ORDINANCE TO FOLLOWS)

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

1. **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

9. ADOPTION OF MINUTES

1. Approval of the June 20, 2019 Special Meeting Minutes

2. Approval of the June 25, 2019 Regular & Executive Session Meeting Minutes

10. MAYOR'S REPORT

11. REPORTS - STANDING COMMITTEES

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Fire/OEM/Rescue Squad
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
    1. Approval of the April - June, 2019 Zoning Report
6. Administration/Department of Senior Services/Legislation/Licensing

12. ADMINISTRATOR'S REPORT

13. PRIVILEGE OF THE FLOOR

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

meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

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

1. **Resolution 186-2019** Accepting the Resignation of Tom Lynch from the Office of Aging

2. **Resolution 187-2019** The Governing Body Hereby Rejects all Bids Received on June 6, 2019 for the Mountain View Park Phase 1-B Improvements Project

3. **Resolution 188-2019** The Governing Body hereby Authorizes the Disbursing Officers to Refund Street Opening Permit No. 2018-025 in the Amount of $1875 to Mr. Rafal Drozd

4. **Resolution 189-2019** The Tax Collector is Authorized to Refund Redemption Funds for Block 34, Lot 14

5. **Resolution 190-2019** Renewal of Junkyard Licenses for 2019/2020 (Expiring 5/31/2020) for the Borough of Middlesex

6. **Resolution 191-2019** Approval of Towing Licenses for 2019/2020 (Expiring 5/31/2020) for the Borough of Middlesex

7. **Resolution 192-2019** Approval of Amusement Machine Licenses for 2019/2020 (Expire 5/31/2020) for the Borough of Middlesex

8. **Resolution 193-2019** The Tax Collector is Authorized to Refund Redemption Funds for Block 239, Lot 33

9. **Resolution 194-2019** The Tax Collector is Authorized to Refund Redemption Funds for Block 107, Lot 15

10. **Resolution 195-2019** Authorizing the Sale of Property Consisting of 0.099 Acres Known as a Portion of Lot In Block 326 On the Middlesex Borough Tax Map, Located on Seneca Avenue to Eric & Ursula Stender Pursuant to the Provisions of Ordinance 1965-19 for the Purchase Price of $2,500

11. **Resolution 196-2019** Awarding a Contract for the Installation of Flooring for the Middlesex Public Library to Allstate Office Interiors of Robbinsville, NJ in the Amount of $42,088.34

12. **Resolution 197-2019** Approval to Advance Patrolman Anthony Painchaud to Patrolman Class "D" Effective July 20, 2019 at an Annual Salary of $83,431

13. **Resolution 198-2019** Authorizing Beechwood Heights Fire Company #2 to hold Annual Coin Toss on October 19, 2019 at the Intersection of Greenbrook Road and Route 28

14. **Resolution 199-2019** Approval of Proposal of Owen, Little & Associates for Design, Inspection, and Construction Administrative Services for the 2018 Bound Brook Road Streetscape in the Amount of $94,617.50

15. **Resolution 200-2019** Extending the Conditional Designation of Claremont Companies as Redeveloper for Property Known as Tax Block 318, Lots 38.01 & 48, in the Lincoln Boulevard Redevelopment Area for the Development of a Warehouse Project

16. **Resolution 201-2019** Awarding the Contract for Biodegradable & Recyclable Leaf Bags to Pabco Industries, LLC of Newark, NJ

17. **Resolution 202-2019** Authorizing Execution of Memorandum of Understanding with United States Department of Energy and Filing of Application for Early Transfer of Property in Connection with the Middlesex Sampling Plant Property

18. **Resolution 203-2019** Amending Resolution 122-2019 to Insert a New Block Number in the Title Thereof and Extending the Time to Close on the Property

19. **Resolution 204-2019** Refunding of an Alarm Registration in the Amount of $25.00 for Mr. Lakshmi Kuruganti, 3 Cornwall Drive, Edison, NJ

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

1. **Resolution 205-2019** Pay All Claims

2. **Resolution 206-2019** Executive Session

3. **Resolution 207-2019** Awarding and Confirming Emergency Contract for Engineering Services, including Mechanical Engineering Services to Remington & Vernick, Engineers for the Development of Specifications to Replace the HVAC System at the Middlesex Public Library

4. **Resolution 208-2019** Rejecting All Bids received July 9, 2019 for Public Relations Services

5. **Resolution 209-2019** Authorizing the Use of Competitive Contracting for the Procurement of Marketing, Public Relations and Design Consulting Services Pursuant to N.J.S.A. 40A:11-4.3

16. AGENDA WORKSHOP ITEM

1. US Army Corp. Request for Donation of Perpetual Easements

2. Group Rate Elevation Certificates

3. Baekeland Avenue Redevelopment Plan

17. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

18. EXECUTIVE SESSION

1. Pending Anticipated Litigation (Tax Appeal & Sewer)

2. MCUA Contract Negotiation

19. ADJOURNMENT

1. The next Regular Meeting will be August 13, 2019

ORDINANCE #1968-19

BOND ORDINANCE REAPPROPRIATING $344,816.68 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF A NEW HVAC UNIT FOR THE PUBLIC LIBRARY AND THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 1832-13 on July 23, 2013 and Bond Ordinance No. 1855-14 on September 9, 2014 (collectively, the “Ordinances”); and

WHEREAS, following the effective dates of the Ordinances, the Borough issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Borough has determined that the improvements to set forth in the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of $344,816.68, which excess bond proceeds are allocable to such project improvements in the Ordinances (the “Excess Proceeds”), but are no longer necessary to complete such improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance the cost of a new heating, ventilation and air conditioning (HVAC) unit for the Public Library, and the preparation and execution of a complete program of revaluation of real property, for which improvements or purposes bonds may be issued, thereby, decreasing the amount of additional Borough debt to finance such current capital needs; and

WHEREAS, the Borough Council now desires to reappropriate the Excess Proceeds to undertake the cost of a new HVAC unit for the Public Library and the preparation and execution of a complete program of revaluation of real property.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. It is hereby determined that the aggregate amount of $344,816.68 of the balance of the total appropriation for capital purposes originally made available pursuant to the following Ordinances of the Borough is no longer necessary for the purposes for which the obligations previously were authorized:

Amount to be

Reappropriated	Ordinance & Purpose
$ 139,110.74	No. 1832-13 adopted July 23, 2013, providing for various capital improvements and the acquisition and installation of various equipment, as applicable.
$ 205,705.94	No. 1855-14 adopted September 9, 2014, providing for various capital improvements and the acquisition and installation of various equipment, as applicable.
$ 344,816.68	Total to be reappropriated to other capital purposes

Section 2. The appropriations for the purposes in the amounts set forth in Section 1 hereof are hereby canceled and reappropriated pursuant to N.J.S.A. 40A:2-39 to other capital purposes as set forth in Section 3 hereof.

Section 3. The aggregate amount of $344,816.68, representing the amount referred to in Section 1 hereof, is hereby appropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost the project is as follows:

Amount to be Appropriated	Purpose
$ 344,816.68	The acquisition and installation of a new HVAC unit for the Public Library and the preparation and execution of a complete program of revaluation of real property.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is 11.38 years.

(c) An aggregate amount not exceeding $70,000.00 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 improvement or purpose herein before described.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.

Section 7. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

INTRODUCED: July 16, 2019

DATE OF PUBLICATION:
OF INTRODUCTION July 20, 2019

ORDINANCE #1969-19

AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.067 ACRES KNOWN AS A PORTION OF LOT 1.02 IN BLOCK 222 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED IN THE REAR PORTION OF THE MIDDLESEX BOROUGH POLICE DEPARTMENT HEADQUARTERS PROPERTY PURSUANT TO N.J.S.A. 40A:12-13(B)(5)

WHEREAS, the Borough is the fee simple owner of an approximately two acre parcel known as Lot 1.02 in Block 222 on the Middlesex Borough Tax Map, located near the rear of the Middlesex Borough Police Department Headquarters, which lot is less than the minimum size required for development under the municipal zoning ordinance, and the Borough wishes to sell a 0.067 acre portion of the lot which is not needed for public use (the "Property"); and

WHEREAS, there is one property which are contiguous to Lot 1.02 in Block 222, namely, Lot 18 in Block 223 owned by Christopher & Angela Jimenez of 621 Edgeworth Street, Middlesex, NJ 08846; and

WHEREAS, by virtue of the existence of this contiguous properties, the Property must be first offered for sale to the thereof 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 contiguous property to Lot 1.02 of Block 222 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 1.02 in Block 222 on the Middlesex Borough Tax Map, which is located in the rear portion of the property currently housing the Middlesex Borough Police Department Headquarters.

2. The lot in question, as shown on Exhibit A, is a partially wooded lot that is substantially isolated from any currently constructed street. It is located in the SCR-Senior Citizens Residential Zone and is below the minimum lot size for development therein.

3. There is one property which is contiguous to Lot 1.02 in Block 222, namely, Lot 18 in Block 223 owned by Christopher & Angela Jimenez, who reside at 621 Edgeworth Street, Middlesex, NJ 08846.

4. Pursuant to N.J.S.A. 40A:12-13.2, the owners of this contiguous property enjoys the right to prior refusal to purchase Lot 1.02 in Block 222.

5. The portion of Lot 1.02 in Block 222 as indicated in Exhibit A is not needed for public use.

6. There is no capital improvement existent on Lot 1.02 in Block 222.

7. The fair market value of Lot 1.02 in Block 222, 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 Christopher & Angela Jimenez as the title owners of Lot 18 in Block, as the only adjacent property owner to Lot 1.02 of Block 222, subject to the terms and conditions contained in the balance of this Part B, as set forth hereinbelow.

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 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 contiguous landowner, 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 1.02 in Block 222 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 the contiguous property owner within five days of the enactment of this Ordinance, by personal service upon each of them or by certified mail, return receipt requested.

13. An offer to purchase the Property may be made by the 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 contiguous landowner, 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 the 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 offer made consistent with the minimum price of $2,500.00 and further consistent with the terms of this Ordinance, Part B, shall be accepted and **a** closing of title will be required to occur within 60 (sixty) days after the offer is accepted. Should a closing not occur within that time frame, for any reason related directly or indirectly to the offerer, the Borough shall have the right to terminate this sale.

SECTION II

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

SECTION III

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

SECTION IV

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

INTRODUCED:

DATE OF PUBLICATION:
OF INTRODUCTION

ORDINANCE #1970-19

AN ORDINANCE AMENDING CHAPTER 332 OF THE BOROUGH CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "SEWERS" TO PERMIT THE ASSESSMENT OF INTEREST FOR LATE PAYMENTS

WHEREAS, the Borough Council of the Borough of Middlesex wishes to establish an ordinance for the administration and collection of unpaid sewer bills; and

BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 332 of the Municipal Code thereof is hereby created as follows:

Section I

Chapter 332-51 entitled "Time of Payment" is hereby retitled as "Payment of Use Charge; Procedure for Unpaid Bills," amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The user charges established and provided for herein shall be due and payable semiannually on May 1 and November 1 of each year. Unless actual flows are provided by the user, sewer user charges for the current year shall be based upon the water consumption for the immediately preceding year.

B. **If any part of the amount due and payable in rates, rentals, connection fees or other charges remain unpaid for 30 days following the date for the payment thereof, interest upon the amount unpaid shall accrue at a rate of interest to be determined in the same manner as past-due real property taxes in the Borough.**

C. **The Borough shall have and its officers shall exercise all of the power and authority conferred upon it and them by the provisions of N.J.S.A. 40A:26A-12 in such case made and provided for in the imposition of liens for unpaid bills and for the collection thereof.**

D. **The Borough Council may, by resolution, authorize payment of delinquent assessments on an installment basis in accordance with N.J.S.A. 54:5-19.**

Section II

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

Section III

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 IV

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

INTRODUCED: July 16, 2019

DATE OF PUBLICATION:
OF INTRODUCTION July 19, 2019

ORDINANCE #1971-19

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX ADOPTING A FLOOD DAMAGE PREVENTION ORDINANCE (ORDINANCE TO FOLLOWS)

Ordinance to follow

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

INTRODUCED: July 16, 2019

DATE OF PUBLICATION:
OF INTRODUCTION July 19, 2019

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.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

INTRODUCED: June 25, 2019

DATE OF PUBLICATION:
OF INTRODUCTION June 28, 2019

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

Resolution #186-2019

ACCEPTING THE RESIGNATION OF TOM LYNCH FROM THE OFFICE OF AGING

The Governing Body hereby accepts the resignation of Thomas Lynch, as a part time Senior Driver from the Office of Senior & Disabled Services effective June 24, 2019.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #187-2019

THE GOVERNING BODY HEREBY REJECTS ALL BIDS RECEIVED ON JUNE 6, 2019 FOR THE MOUNTAIN VIEW PARK PHASE 1-B IMPROVEMENTS PROJECT

WHEREAS, the Borough of Middlesex authorized the receipt of bids for Mountain View Park Phase 1-B Improvements; and

WHEREAS, bids were received on June 6, 2019, and opened in public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;

WHEREAS, the Borough rejects all bids received on June 6, 2019, for exceeding the contracting unit's appropriation of said improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex in the County of Middlesex, State of New Jersey that: It hereby rejects all bids received for the Mountain View Park Phase 1-B Improvements due to the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #188-2019

THE GOVERNING BODY HEREBY AUTHORIZES THE DISBURSING OFFICERS TO REFUND STREET OPENING PERMIT NO. 2018-025 IN THE AMOUNT OF $1875 TO MR. RAFAL DROZD

WHEREAS, Rafal Drozd was issued a street opening permit on 5/31/18; and

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

WHEREAS, said roadway at 8 June Way. was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of $1875.00 in favor of Rafal Drozd, 8 June Way., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2018-025.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #189-2019

THE TAX COLLECTOR IS AUTHORIZED TO REFUND REDEMPTION FUNDS FOR BLOCK 34, LOT 14

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 July 16th, 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):

Date of Sale	Block	Lot	Amount	Premium	Certificate	Make Check Payable To
3/27/2018	34	14	$1,765.33	0.00	17-00001	US Bank Cust for PC7 Firstrust Bank 50 South 16th Street Philadelphia, PA 19102

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #190-2019

RENEWAL OF JUNKYARD LICENSES FOR 2019/2020 (EXPIRING 5/31/2020) FOR THE BOROUGH OF MIDDLESEX

The application for renewal of Junkyard Licenses filed by Absolute Auto Truck Salvage and Falgi, Inc. have been approved by the Police Department, Fire Official and Board of Health. The Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid. These Licenses will expire on May 31, 2020.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #191-2019

APPROVAL OF TOWING LICENSES FOR 2019/2020 (EXPIRING 5/31/2020) FOR THE BOROUGH OF MIDDLESEX

The following applications for Towing Licenses for 2019/2020 have been approved by the Police Department and met all borough requirements, and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

1. Hart's Auto Body
2. Tierno's Automotive Inc.
3. M&W Towing Service
4. Mike's Towing

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #192-2019

APPROVAL OF AMUSEMENT MACHINE LICENSES FOR 2019/2020 (EXPIRE 5/31/2020) FOR THE BOROUGH OF MIDDLESEX

The application for Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees. This license is valid until May 31, 2020.

End Zone Lounge 425 Bound Brook Rd.	(2) Pool Table (2) Amusement Machine (1) Music Machine	$350.00
Ferraro's Pizzeria & Pub 275 Lincoln Boulevard	(1) Music Machine	$150.00
American Legion 707 Legion Place	(1) Amusement Machines (1) Music Machine (1) Pool Table	$350.00
Tim Kerwin's Tavern 353 Bound Brook Rd.	(5) Amusement Machines (1) Music Machine	$350.00
Ellery's Grill 701 Lincoln Boulevard	(3) Amusement Machines (1) Music Machine	$350.00
	TOTAL	**$1550.00**

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #193-2019

THE TAX COLLECTOR IS AUTHORIZED TO REFUND REDEMPTION FUNDS FOR BLOCK 239, LOT 33

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 July 16th, 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):

Sale Date	Block/Lot	Amount	Premium	Certificate	Payable To
12/14/2016	239/33	$50,244.07	$35,000	16-00004	FWDSL & Associates LP 17 W Cliff St. Somerville, NJ 08876

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #194-2019

THE TAX COLLECTOR IS AUTHORIZED TO REFUND REDEMPTION FUNDS FOR BLOCK 107, LOT 15

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 July 16th, 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):

Date of Sale	Block	Lot	Amount	Premium	Certificate	Make Check Payable To
03/27/2018	107	15	$1187.10	$0.00	17-00003	US BankCust for PC7 Firstrst Bank 50 South 16th St. Ste 2050 Philadelphia, PA 19102

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #195-2019

AUTHORIZING THE SALE OF PROPERTY CONSISTING OF 0.099 ACRES KNOWN AS A PORTION OF LOT IN BLOCK 326 ON THE MIDDLESEX BOROUGH TAX MAP, LOCATED ON SENECA AVENUE TO ERIC & URSULA STENDER PURSUANT TO THE PROVISIONS OF ORDINANCE 1965-19 FOR THE PURCHASE PRICE OF $2,500

WHEREAS, the Borough Council adopted an Ordinance entitled "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 ON SENECA AVENUE PURSUANT TO N.J.S.A. 40A:12-13(b)(5)" on June11, 2019; and

WHEREAS, pursuant to the terms of the Ordinance, the Borough offered the Property for private sale to the contiguous property owners by letter sent certified, return receipt requested; and

WHEREAS, the sale of the Property was also advertised in the Courier News on June 14, 2019; and

WHEREAS, the Township received only one bid from Eric & Ursula Stender in the amount of $2,500.00 which was accompanied by a deposit of in the form of a certified check in the amount of $250.00;

NOW, THEREFORE, BE IT RESOLVED, that the Borough attorney is authorized to take such action as required to convey the Property to Eric & Ursula Stender;

IT IS FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to sign such documents as are necessary to convey the Property to Eric & Ursula Stender for the consideration of $2,500.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #196-2019

AWARDING A CONTRACT FOR THE INSTALLATION OF FLOORING FOR THE MIDDLESEX PUBLIC LIBRARY TO ALLSTATE OFFICE INTERIORS OF ROBBINSVILLE, NJ IN THE AMOUNT OF $42,088.34

WHEREAS, the Borough of Middlesex desires to award a contract for the purchase and installation of flooring at the Middlesex Public Library to an authorized vendor under a New Jersey State Contract program; and

WHEREAS, the purchase of good and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10 et seq.; and

WHEREAS, Allstate Office Interiors of Robbinsville, New Jersey has been awarded the contact under State Contract #817454; and

WHEREAS, The Library Director and the Purchasing Agent have recommended that the Borough Council utilize this contract for purchase and installation of flooring under State Contract #817454 in the amount of $42,088.34; and

WHEREAS, the treasurer has attested that funds are available in the amount of $41,602.83 in the Capital Ordinance #C-04-832-000-086 and the remaining amount of $485.51 is available in the Operating Budget.

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

1. A contract for the purchase and installation of flooring for the Middlesex Public Library be awarded to Allstate Office Interiors of Robbinsville, New Jersey in the amount of $42,088.34.

_____

Caroline Benson, Treasurer

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #197-2019

APPROVAL TO ADVANCE PATROLMAN ANTHONY PAINCHAUD TO PATROLMAN CLASS "D" EFFECTIVE JULY 20, 2019 AT AN ANNUAL SALARY OF $83,431

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

WHEREAS, On July 9, 2019 Chief Geist recommended Police Officer Anthony Painchaud 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 Anthony Painchaud be and is hereby advanced in grade to Patrolman Class “D” effective July 20, 2019 at an annual salary of $83,431.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #198-2019

AUTHORIZING BEECHWOOD HEIGHTS FIRE COMPANY #2 TO HOLD ANNUAL COIN TOSS ON OCTOBER 19, 2019 AT THE INTERSECTION OF GREENBROOK ROAD AND ROUTE 28

WHEREAS, Beechwood Heights Fire Company No. 2 has requested to hold fund raising activities within the Borough of Middlesex by conducting coin tosses within the Borough at the intersections of Greenbrook Road and Route 28 between the hours of 9:00 a.m. and 2:00 p.m.; and

WHEREAS, Beechwood Heights Fire Company No. 2 would like to conduct these coin tosses on Saturday, October 19th, 2019 with an alternate rain date of Saturday, October 26th, 2019; and

WHEREAS, Beechwood Heights Fire Company No. 2 has met all of the criteria required in Middlesex Borough Ordinance No. 1747-09, with the exception of the approval of the New Jersey Department of Transportation.

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

1. The Governing Body hereby authorizes Beechwood Heights Fire Company No. 2 conducting a coin toss on between the hours of 9:00 a.m. and 2:00 p.m. on October 19th, 2019, with an alternate rain date of October 26th, 2019, at the intersections of Greenbrook Road and Route 28, pending receipt of approval from the New Jersey Department of Transportation.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #199-2019

APPROVAL OF PROPOSAL OF OWEN, LITTLE & ASSOCIATES FOR DESIGN, INSPECTION, AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE 2018 BOUND BROOK ROAD STREETSCAPE IN THE AMOUNT OF $94,617.50

WHEREAS, the governing body received a proposal from Owen Little & Associates dated March 26, 2019 for the Design, Inspection and Construction Administrative Services for the 2018 Bound Brook Road Streetscape; and

WHEREAS, the proposal for this project includes:

1. Design $89,617.50
2. Contract Administration $ 5,000.00

TOTAL COST $94,617.50

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. The governing body hereby approves the proposal from Owen, Little & Associates, dated March 26, 2019, for the Design, Inspection and Construction Administration Services for the 2018 Bound Brook Road Streetscape in the total amount of $94,617.50.
2. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Treasurer hereby certifies that funds in the amount of $94,617.50 are available in Account No. C-04-19-962-000-050.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #200-2019

EXTENDING THE CONDITIONAL DESIGNATION OF CLAREMONT COMPANIES AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 318, LOTS 38.01 & 48, IN THE LINCOLN BOULEVARD REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A WAREHOUSE PROJECT

WHEREAS, Tax Block 318, Lots 38.01 and 48 (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 21+/- 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 and amended March 12, 2019; and

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

WHEREAS, the Property is privately owned and Claremont Companies., have a contract to purchase the property; and

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

WHEREAS, on September 25, 2018 The Borough designated Claremont Companies as redeveloper of the Property for a period of 120 days; and

WHEREAS, on October 23, 2018, Claremont Companies 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 Claremont Companies**,** 49 Route 202, Far Hills, NJ 07931 for the development of Tax Block 318, Lots 38.01, and 48; located in the Lincoln Boulevard Redevelopment Area, for a warehouse 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 Claremont Companies 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 Claremont Companies 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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #201-2019

AWARDING THE CONTRACT FOR BIODEGRADABLE & RECYCLABLE LEAF BAGS TO PABCO INDUSTRIES, LLC OF NEWARK, NJ

WHEREAS, one bid was received on June 26, 2019 for Biodegradable & Recyclable Leaf Bags; and

WHEREAS, Pabco Industries, LLC from Newark, New Jersey submitted a bid as follows:

1st year - $25,920.00
2nd year - $31,620.00

WHEREAS, the Purchasing Agent recommends that Pabco Industries, LLC be awarded this contract for the amounts listed above, subject to the appropriation and availability of funds in the 2019 and 2020 budget.

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

1. At the recommendation of the Purchasing Agent, the Mayor and Council hereby award the bid for Biodegradable & Recyclable Leaf Bags to Pabco Industries, LLC of Newark, New Jersey for the period of 24 months, subject to the appropriation of funds in the 2019 budget and availability in 2020 budget.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are appropriated in the 2019 adopted budget in account number G-02-16-770-000-104 the amount of $25,920.00 for 1st year and $31,620.00 for 2nd year in account number G-02-16-770-000-102, subject to availability of funds.

_____
Caroline Benson, Treasurer

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #202-2019

AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH UNITED STATES DEPARTMENT OF ENERGY AND FILING OF APPLICATION FOR EARLY TRANSFER OF PROPERTY IN CONNECTION WITH THE MIDDLESEX SAMPLING PLANT PROPERTY

WHEREAS, the United States Department of Energy ("DOE") is the owner of real property known as the Middlesex Sampling Plant located at 239 Mountain Avenue, Middlesex Borough and identified as Block 318, Lot 1.01 and Block 319, Lot 45 on the Municipal Tax Map and consisting of approximately 9.6 acres of vacant, undeveloped land ("Middlesex Site"); and

WHEREAS, the Middlesex Site is located next to existing scrap metal facility located at 245 Mountain Avenue (Block 318, Lots 38.01 and 48), which property is in the process of being redeveloped by the Borough's redeveloper, Claremont Companies ("Redevelopment Site"); and

WHEREAS, the Borough wishes to acquire the Middlesex Site in order to construct a new Department of Public Works facility ("New DPW Facility") to house the Borough's equipment, vehicles and public works personnel; and

WHEREAS, the New DPW Facility will allow the Borough to vacate the existing DPW facility which is located in a residential area and will give the Borough the option to utilize the existing area for affordable housing as determined by the Borough; and

WHEREAS, in addition the Borough wishes to utilize the Middlesex Site in order to facilitate the pending redevelopment project at the Redevelopment Site by providing an access road to the Borough's redeveloper, Claremont Companies; and

WHEREAS, said access road will allow the Borough's redeveloper to proceed with the redevelopment project wherein a contaminated junkyard will be transformed into a warehouse facility resulting in approximately 200 local jobs and additional tax revenue for the benefit of the Borough and the community; and

WHEREAS, the Borough and DOE wish to enter into the attached **Memorandum of Standing**, attached hereto as Exhibit A, which memorializes the intention of the Borough to acquire the Middlesex Site and to grant an easement to Claremont Companies for an access road across the southern portion of the Middlesex Site; and

WHEREAS, the Borough wishes to authorize the Mayor file a **Proposal to Transfer Middlesex Sampling Plant to Borough of Middlesex Pursuant to 10 CFR 770** with the DOE for the aforementioned early transfer of property, which proposal is attached hereto as Exhibit B; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, that the Mayor is hereby authorized to said **Memorandum of Understanding,** attached hereto as Exhibit A, in substantially similar form, subject to such final changes as the Mayor may approve on the advice of the Borough professionals; and

IT IS FURTHER RESOLVED that the Mayor is hereby authorized to said **Proposal to Transfer Middlesex Sampling Plant to Borough of Middlesex Pursuant to 10 CFR 770,** attached hereto as Exhibit B, in substantially similar form, subject to such final changes as the Mayor may approve on the advice of the Borough professionals; and

IT IS FURTHER RESOLVED that the Mayor and Borough professionals are hereby authorized and directed to take any action and to execute any documents as may be necessary to effectuate this Resolution.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #203-2019

AMENDING RESOLUTION 122-2019 TO INSERT A NEW BLOCK NUMBER IN THE TITLE THEREOF AND EXTENDING THE TIME TO CLOSE ON THE PROPERTY

WHEREAS, the Borough Council adopted an Ordinance entitled "AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.052 ACRES KNOWN AS A PORTION OF LOT 5 IN BLOCK 38 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED NEAR NEW STREET AT THE JUNCTURE OF FIRST STREET AND SECOND STREET PURSUANT TO N.J.S.A. 40A:12-13(b)(5)" on March 12, 2019; and

WHEREAS, the Borough Council subsequently adopted an Ordinance entitled "AUTHORIZING THE SALE OF PROPERTY CONSISTING OF 0.052 ACRES KNOWN AS A PORTION OF LOT 5 IN BLOCK 56 ON THE MIDDLESEX BOROUGH TAX MAP, LOCATED NEAR NEW STREET AT THE JUNCTURE OF FIRST STREET AND SECOND STREET TO RICHARD AND SARAH PREGO PURSUANT TO THE PROVISIONS OF ORDINANCE 1956-19 FOR THE PURCHASE PRICE OF $2,500.00" on April 23, 2019; and

WHEREAS, the title of Resolution 122-2019 should reflect that the block number of the property is 38 rather than 56, with the block number being properly designated as Block 38 in the balance of the resolution and in Ordinance 1956-19; and

WHEREAS, in addition to the correction of this block number, a further sixty (60) days are required to close on this property; and

WHEREAS, the Mayor and Council desire to make the aforementioned amendment and extension;

NOW, THEREFORE, BE IT RESOLVED, that the title of Resolution 122-2019 is hereby amended as follows: AUTHORIZING THE SALE OF PROPERTY CONSISTING OF 0.052 ACRES KNOWN AS A PORTION OF LOT 5 IN BLOCK 38 ON THE MIDDLESEX BOROUGH TAX MAP, LOCATED NEAR NEW STREET AT THE JUNCTURE OF FIRST STREET AND SECOND STREET TO RICHARD AND SARAH PREGO PURSUANT TO THE PROVISIONS OF ORDINANCE 1956-19 FOR THE PURCHASE PRICE OF $2,500.00;

BE IT IS FURTHER RESOLVED, that the time to conduct the closing of title on the aforementioned property shall be extended to sixty (60) days from the passage of this Resolution.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #204-2019

REFUNDING OF AN ALARM REGISTRATION IN THE AMOUNT OF $25.00 FOR MR. LAKSHMI KURUGANTI, 3 CORNWALL DRIVE, EDISON, NJ

Due to an Alarm Registration which was inadvertently processed by the Middlesex Police Department, the Treasurer is authorized to refund $25.00 to Lakshmi Kuruganti, 3 Cornwall Drive, Edison, NJ 08820 for the refund of this residential Burglar/Fire/Medical Alarm.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #205-2019

PAY ALL CLAIMS

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

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #206-2019

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. Pending/Anticipated Litigation (Tax Appeal and Sewer)
2. MCUA Contract Negotiation
3. Strategies to Protect Public Security (School Security)

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #207-2019

AWARDING AND CONFIRMING EMERGENCY CONTRACT FOR ENGINEERING SERVICES, INCLUDING MECHANICAL ENGINEERING SERVICES TO REMINGTON & VERNICK, ENGINEERS FOR THE DEVELOPMENT OF SPECIFICATIONS TO REPLACE THE HVAC SYSTEM AT THE MIDDLESEX PUBLIC LIBRARY

WHEREAS, the Local Public Contracts Law permits the award of emergency contracts pursuant to N.J.S.A. 40A:11-6, subject to certain criteria; and

WHEREAS, the Middlesex Public Library was forced to close on June 26, 2019 due to a lack of air conditioning during a period of high temperature and humidity; and

WHEREAS, due to the age and lack of replacement parts, the HVAC system at the Middlesex Public Library is failing and is in dire need of replacement as soon as possible; and

WHEREAS, technical specifications need to be prepared in order to make the necessary replacement of the air condition system; and

WHEREAS, this condition constitutes an emergency affecting the immediate health, safety, and/or welfare of the Borough's many residents that utilize the Public Library for many services and programs; and

WHEREAS, the needed engineering services, including mechanical engineering services, necessary for the development of the described specifications for the repair/replacement of the HVAC system at the Middlesex Public Library are available from the firm of Remington and Vernick Engineers; and

WHEREAS, the cost for the emergency engineering services to be utilized to replace the Middlesex Public Library HVAC System is in an amount not to exceed $32,250.00.

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

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I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #208-2019

REJECTING ALL BIDS RECEIVED JULY 9, 2019 FOR PUBLIC RELATIONS SERVICES

WHEREAS, the Borough of Middlesex authorized the receipt of bids for Public Relations Services; and

WHEREAS, said bids were received on July 9, 2019, and opened in public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids if the contracting unit requires to substantially revise the specifications for goods or services; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex in the County of Middlesex, State of New Jersey that all bids received on July 9, 2019 for the Public Relations Services are hereby rejected as the specifications require to be substantially revised.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.

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

Resolution #209-2019

AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF MARKETING, PUBLIC RELATIONS AND DESIGN CONSULTING SERVICES PURSUANT TO N.J.S.A. 40A:11-4.3

WHEREAS, the Borough of Middlesex ("Borough") desires to contract with a vendor to provide the Marketing, Public Relations, and Design Consulting Services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1 et seq., the Borough may use competitive contracting in lieu of public bidding for procurement of specialized goods and services, the price of which exceeds the bid threshold; and

WHEREAS, N.J.S.A. 40A:11-4.1(b)(3) permits the use of competitive contracting for the Marketing, Public Relations, and Design Consulting Services; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) permits the Borough Administrator to administer the process for the purchase pursuant to the rules governing the competitive contracting process; and

WHEREAS, under the competitive contracting process, the contract for Marketing, Public Relations, and Design Consulting Services will be awarded to that entity submitting a proposal that, when evaluated, most successfully meets the stated criteria and, therefore, achieves the highest ranking, rather than based solely on the lowest price; and

WHEREAS, the Borough desires to conduct the bidding process for the aforesaid goods and services pursuant to the competitive contracting process as set forth by N.J.S.A. 40A:11-4.1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex**,** in the County of Middlesex, State of New Jersey, that the Borough Administrator is hereby authorized to utilize and administer the competitive contracting process as set forth in N.J.S.A 40A:11-4.1 et seq., to procure a contract with a vendor to provide Marketing, Public Relations, and Design Consulting Services, pursuant to the rules governing the competitive contracting process.

This Resolution shall take effect immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on July 16, 2019.