



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, August 13, 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

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:

Ron DiMura Mayor

2. Council President Madden made a motion to include South Ave. Reconstruction Pole Relocation to Executive Session

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

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

Councilman Rex read the Proclamation declaring September, 2019 as Charcot-Marie-Tooth Awareness Month.

1. CHARCOT-MARIE-TOOTH AWARENESS MONTH - SEPTEMBER, 2019

WHEREAS, it is the intention of the Mayor and Council of Middlesex Borough to focus attention on noteworthy causes and occasions; and

WHEREAS, Charcot-Marie-Tooth disease (CMT) is a common inherited neurological disorder that affects approximately 1 in 2,500 people in the United States and 2.8 million worldwide; and

WHEREAS, CMT is characterized by a slow and progressive deterioration of motor and sensory nerves across various parts of the body that can lead to weakness of the foot and lower leg muscles, foot deformities, frequent tripping and falls and muscle weakness in the hands; and

WHEREAS, there are more than 70 kinds of CMT that affect individuals from all walks of life, and in all areas of the world; and

WHEREAS, there is no cure for CMT, and while physical therapy, bracing and surgical procedures can help stabilize and correct certain CMT symptoms, continued awareness and research of the disease are needed.

NOW, THEREFORE BE IT RESOLVED, I, RONALD J. DIMURA, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, County of Middlesex, State of New Jersey, do hereby join with the Charcot-Marie-Tooth Association and municipalities across the United States in proclaiming the month of September 2019 to be

CHARCOT-MARIE-TOOTH AWARENESS MONTH

NOW FURTHER BE IT RESOLVED that the Borough of Middlesex urges all citizens to join with me and Council in spreading awareness of Charcot-Marie-Tooth Disease, and in voicing our support for the Charcot-Marie-Tooth Disease Association.

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1972-19 by title:

ORDINANCE 1972-19

AN ORDINANCE AUTHORIZING THE DONATION OF A PERPETUAL FLOOD PROTECTION LEVEE EASEMENT AND ROAD ACCESS EASEMENT TO THE U.S. ARMY CORPS OF ENGINEERS ACROSS CLAY AVENUE BETWEEN BLOCK 254, LOT 2 AND BLOCK 259, LOT 4 AND LINCOLN BOULEVARD BETWEEN BLOCK 259, LOTS 4 & 6 AND BLOCK 260, LOTS 2.01 & 3 IN ORDER TO CONSTRUCT A FLOOD WALL AND LEVEE SYSTEM IN CONNECTION WITH THE GREEN BROOK FLOOD RISK MANAGEMENT PROJECT

WHEREAS, the U.S. Army Corps of Engineers has requested that the Borough of Middlesex donate a perpetual Flood Protection Levee Easement and Road Access Easement across Clay Avenue between Block 254, Lot 2 and Block 259, Lot 4 and Lincoln Boulevard Between Block 259, Lots 4 & 6 and Block 260, Lots 2.01 & 3 in order to construct a flood

wall and levee system in connection with the Green Brook Flood Risk Management Project; and

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough to donate the above-referenced easements to the U.S. Army Corps of Engineers in order to expedite and reduce the cost of flood control projects benefitting the Borough.

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

1. That the Borough hereby consents to the donation of a Perpetual Flood Protection Levee Easement and Road Access Easement to the U.S. Army Corps of Engineers as described herein; and
2. That the Mayor is authorized to execute such documents as may be necessary to donate the above-referenced Flood Protection Levee Easement and Road Access Easement to the U.S. Army Corps of Engineers.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/10/2019 7:00 PM
MOVER:	Douglas Rex, Council Member	
SECONDER:	Jack Mikolajczyk, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

The Borough Clerk read ordinance 1973-19 by title:

ORDINANCE 1973-19

AN ORDINANCE AMENDING CHAPTER 407 (VEHICLES AND TRAFFIC), ARTICLE III (STOP INTERSECTIONS), SECTION 407-6 (STOP INTERSECTIONS; SIGNS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SO AS TO DESIGNATE CERTAIN INTERSECTIONS ALONG WASHINGTON AVENUE AS STOP INTERSECTIONS

SECTION I. NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that Chapter 407, Article III of the Municipal Code thereof, is hereby modified through this amendment to Section 407-6 to designate the intersections of Washington Avenue and Woodrow Street, Washington Avenue and Nelson Street, and Washington Avenue and Wilson Street as stop intersections.

Amendment to the existing Section referenced above denoted in boldface and strikethrough.

Reference to all other roadways mentioned in this Section 407-6 shall remain in effect and applicable.

407-6 **Stop intersections: signs.**

- A. Borough officials designate the following stop intersection pursuant to N.J.S.A. 39:4-140:

(74) Washington Avenue and Woodrow Street: stop signs shall be installed on Woodrow Street at the northerly and southerly approach to the intersection on Washington Avenue.

(75) Washington Avenue and Nelson Street: stop signs shall be installed on Nelson Street at the northerly and southerly approach to the intersection on Washington Avenue.

(76) Washington Avenue and Wilson Street: stop signs shall be installed on Nelson Street at the northerly and southerly approach to the intersection on Washington Avenue.

SECTION II. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV. This ordinance shall take effect in the time and manner provided by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/10/2019 7:00 PM
MOVER:	Jason Carr, Council Member	
SECONDER:	Jack Mikolajczyk, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

The Borough Clerk read ordinance 1974-19 by title:

ORDINANCE 1974-19

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR AN AREA IN NEED REDEVELOPMENT CONSISTING OF BLOCK 353, LOTS 1.01 & 1.02 IN ACCORDANCE WITH N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the "Redevelopment Law") on August 28, 2018 the Borough Council adopted Resolution 216-2018 directing the Borough of Middlesex Planning Board (the "Planning Board") to undertake a Redevelopment Study and Preliminary Investigation for redevelopment of the area known as Block 353 Lots 1.01 & 1.02 on the Borough of Middlesex tax maps and generally known as the former Union Carbide Facility in the Borough Of Middlesex (the "Study Area"); and

WHEREAS, the Planning Board, pursuant to a Resolution dated September 26, 2018 and pursuant to N.J.S.A. 40A:12A-6 undertook a study to determine whether the "Study Area" constitutes a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law and prepared an investigation report titled "Redevelopment Study

and Preliminary Investigation Report Block 353, Lots 1.01 and 1.02 (Former Union Carbide Corporation Facility)" (the "Study"); and

WHEREAS, at its April 24, 2019 meeting the Board held a public hearing on notice as provided for in N.J.S.A. 40A:12A-6, where the Planner presented his Study and the Board accepted testimony from the public and its members as to the criteria set forth in the Redevelopment Law; and

WHEREAS, the Board reviewed the Study, heard testimony and considered all of the relevant facts and determined that the Study Area met the statutory criteria to be "in need of redevelopment" pursuant to a Resolution adopted on April 24, 2019; and

WHEREAS, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, based upon the substantial evidence provided in connection with the public hearing and Planning Board resolution supporting such action, determined that the Study Area was a non-condemnation area in need of redevelopment under the Redevelopment Law and directed the Planning Board to prepare a redevelopment plan in accordance with and under the provision of the Redevelopment Law, pursuant to Resolution 135-2019 adopted on May 28, 2019; and

WHEREAS, the Planning Board undertook the preparation of a redevelopment plan and prepared a redevelopment plan titled "Redevelopment Plan Block 353, Lots 1.01 and 1.02" dated July 22, 2019 (the "Redevelopment Plan"); and

WHEREAS, the Borough Council has reviewed and carefully considered the Redevelopment Plan and has found it to be satisfactory and now desires to adopt this Ordinance formally adopting the aforesaid Redevelopment Plan; and

WHEREAS, the Commissioner of the State of New Jersey, Department of Community Affairs, has approved the designation of the Study Area as an "area in need of redevelopment."

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

Section 1. The Redevelopment Plan, a copy of which is annexed hereto and made a part of this Ordinance, is adopted in accordance with N.J.S.A. 40A:12-7 of the Local Redevelopment and Housing Law.

Section 2. This Ordinance constitutes an amendment to the zoning districts and map included in the Borough's zoning ordinance.

Section 3. A copy of this Ordinance and Redevelopment Plan be forwarded, after introduction, to the Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40A:12A-7e.

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 6. This Ordinance shall take effect upon (i) filing with the Middlesex County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication in the manner required by New Jersey Law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/10/2019 7:00 PM
MOVER:	Jack Mikolajczyk, Council Member	
SECONDER:	Kevin Dotey, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1960-19 by title:

ORDINANCE 1960-19

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

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

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

Section I

Chapter 265-1 is hereby created and entitled "Definitions" and shall appear in its entirety as follows:

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

"Limousine" means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity of no more than 14 passengers, not including the driver, provided, that such a vehicle is certified by the manufacturer of the original vehicle and the second-stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards promulgated by the United States Department of Transportation pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq.) and 49 CFR Part 567 (49 CFR 567.1 et seq.). In addition, a "Vehicle Emission Control Information" label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing in this article contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science

when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

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

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

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

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

Section II

Chapter 265-2 is hereby created and entitled “Insurance Required” and shall appear in its entirety as follows:

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

Section III

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

- A. Any limousine service having its principal place of business in the Borough of Middlesex shall be required to obtain a license to operate such a service from the Clerk of the Borough.
- B. The Borough Clerk, upon the filing of the required insurance policy and the payment of a fee of \$50 for each limousine service plus \$10 for each limousine which is covered under the required insurance policy, shall issue in duplicate a license to operate showing the owner if the limousine has complied with the terms and provisions of N.J.S.A. 48:16-13 et se.
- C. The license issued by the Borough Clerk shall recite the name of the insurance

company, the number and date of expiration of the policy, a description of every limousine insured thereunder, and the registration number of the same.

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

Section IV

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

Section V

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

Section VI

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

Council President Madden opened the Public Hearing on Ordinance No. 1960-19. Seeing that there was no public participation, Council President Madden closed the Public Hearing.

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

The Borough Clerk read ordinance 1968-19 by title:

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:

<u>Amount to be Reappropriated</u>	<u>Ordinance & Purpose</u>
\$ 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.
<u>\$ 344,816.68</u>	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:

<u>Amount to be Appropriated</u>	<u>Purpose</u>
<u>\$ 344,816.68</u>	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.

Council President Madden opened the Public Hearing on Ordinance No. 1968-19. Seeing that there was no public participation, Council President Madden closed the Public Hearing.

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

The Borough Clerk read ordinance 1969-19 by title:

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 valid and effective.

Council President Madden opened the Public Hearing on Ordinance No. 1969-19. Seeing that there was no public participation, Council President Madden closed the Public Hearing.

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

The Borough Clerk read ordinance 1970-19 by title:

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 30 days from the date of mailing of bills. 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).

Council President Madden opened the Public Hearing on Ordinance No. 1970-19. Seeing that there was no public participation, Council President Madden closed the Public Hearing.

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

The Borough Clerk read ordinance 1971-19 by title:

ORDINANCE 1971-19

AN ORDINANCE AMENDING CHAPTER 224 IN THE BOROUGH CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "FLOOD DAMAGE PREVENTION" TO CORRESPOND WITH ORDINANCE GUIDELINES AS PROPAGATED BY THE BUREAU OF FLOOD CONTROL OF NEW JERSEY'S DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP)

WHEREAS, the Borough Council of the Borough of Middlesex seeks to amend its Flood Damage Prevention ordinance to correspondence with ordinance guidelines as propagated by the Bureau of Flood Control of New Jersey's Department of Environmental Protection; 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 224 of the Municipal Code thereof is hereby amended as follows:

Section I

Chapter 224-1 is hereby amended and shall appear in its entirety as follows:

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Middlesex, of Middlesex County, New Jersey does ordain as follows:

Section Iid

Chapter 224-2 is hereby amended and shall appear in its entirety as follows:

a) The flood hazard areas of the Borough of Middlesex are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Section III

Chapter 224-3 is hereby amended and shall appear in its entirety as follows:

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section IV

Chapter 224-4 is hereby amended and shall appear in its entirety as follows:

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section V

Chapter 224-5 shall be retitled "Definitions" and is hereby amended and shall appear in its entirety as follows:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Appeal - A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding - A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard -Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1 A30, AE, A99, or AH.

Base Flood -A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building - A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion - The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure - Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction - Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle - A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction - (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance - A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation - The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Section VI

Chapter 224-6 shall be retitled "Lands To Which This Ordinance Applies" and is hereby amended and shall appear in its entirety as follows:

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Middlesex, Middlesex County, New Jersey.

Section VII

Chapter 224-7 is hereby amended and shall appear in its entirety as follows:

The areas of special flood hazard for the Borough of Middlesex, Community No. 345305, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions)" dated July 6, 2010.
- b) Flood Insurance Rate Map for Middlesex County, New Jersey (All Jurisdictions) as shown on index and panel numbers 34023C0028F, 34023C0009F and 34023C0017F, whose effective date is July 6, 2010.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 1200 Mountain Avenue, Middlesex Borough, New Jersey 08846.

Section VIII

Chapter 224-8 shall be retitled "Penalties for Non-Compliance" and is hereby amended and shall appear in its entirety as follows:

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Zoning Board, from taking such other lawful action as is necessary to prevent or remedy any violation.

Section IX

Chapter 224-9 is hereby amended and shall appear in its entirety as follows:

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section X

Chapter 224-10 is hereby amended and shall appear in its entirety as follows:

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

Section XI

Chapter 224-11 is hereby amended and shall appear in its entirety as follows:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Middlesex, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section XII

Chapter 224-12 is hereby amended and shall appear in its entirety as follows:

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 224-7A. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 224-17B(2); and
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section XIII

Chapter 224-13 is hereby amended and shall appear in its entirety as follows:

The Borough's Business Administrator, or the designee thereof, is hereby appointed to administer and implement this Chapter by granting or denying development permit application in accordance with the provisions hereof.

Section XIV

Chapter 224-14 is hereby amended and shall appear in its entirety as follows:
Duties of the Local Administrator shall include, but not be limited to:

A. Permit Review

- 1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- 2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 224-18A are met.

B. Use Of Other Base Flood And Floodway Data

When base flood elevation and floodway data has not been provided in accordance with § 224-7A, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer § 224-17A, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and § 224-17B, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

C. Information To Be Obtained And Maintained

1. Obtain and maintain a FEMA Elevation Certificate (or equivalent) for all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. verify and record the actual elevation (in relation to mean sea level); and
 - b. maintain the floodproofing certifications required in § 224-17B(2).
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration Of Watercourses

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

D. Substantial Damage Review

- 1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- 2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.

- 3) Ensure substantial improvements meet the requirements of § 224-17A, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, § 224-17B, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and § 224-17C, SPECIFIC STANDARDS, MANUFACTURED HOMES.

E. Interpretation Of Firm Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 224-15.

Section XV

Chapter 224-15 is hereby amended and shall appear in its entirety as follows:

A. APPEAL BOARD

- 1) The Zoning Board as established by Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- 2) The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- 3) Those aggrieved by the decision of the Zoning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
 - a) In passing upon such applications, the Zoning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - b) the danger that materials may be swept onto other lands to the injury of others;
 - c) the danger to life and property due to flooding or erosion damage;
 - d) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - e) the importance of the services provided by the proposed facility to the community;
 - f) the necessity to the facility of a waterfront location, where applicable;
 - g) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - h) the compatibility of the proposed use with existing and anticipated development;
 - i) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - j) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - k) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - l) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors of § 224-15A(4) and the purposes of this ordinance, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- 5) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. CONDITIONS FOR VARIANCES

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a)-(k) in § 224-15A(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 224-15A(4), or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section XVI

Chapter 224-16 is hereby amended and shall appear in its entirety as follows:

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction Materials And Methods

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- 4) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision Proposals

- 1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- 2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

E. Enclosure Openings

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

For all new construction, and substantial improvements, the owner shall execute and deliver to the Construction Official a fully completed Floodplain Venting Affidavit on a form supplied by the Construction Office certifying full compliance with this section and agreeing to maintain compliance before a Certificate of Occupancy shall be issued or reoccupying of the property,

Prior to transfer of any property the owner shall obtain an inspection for compliance with the requirements of this section and any new owner shall certify compliance and agree to maintain compliance on a form supplied by the Construction Office.

Section XVII

Chapter 224-17 is hereby amended and shall appear in its entirety as follows:

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 224-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in § 224-14B, USE OF OTHER BASE FLOOD DATA, the following standards are required:

A. RESIDENTIAL CONSTRUCTION

- 1) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1,;
- 2) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- 1) Elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1; and
- 2) Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- 1) Be floodproofed so that below the more restrictive, base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of

practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 224-14C(2)(b).

C. MANUFACTURED HOMES

- 1) Manufactured homes shall be anchored in accordance with § 224-16A(2).
- 2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - a. Be consistent with the need to minimize flood damage,
 - b. Be constructed to minimize flood damage,
 - c. Have adequate drainage provided to reduce exposure to flood damage,
 - d. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1 and,
 - e. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

Section XVIII

Chapter 224-18 shall be retitled "Floodways" and is hereby amended and shall appear in its entirety as follows:

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 224-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in § 224-14B, USE OF OTHER BASE FLOOD DATA, the following standards are required:

Located within areas of special flood hazard established in § 224-7A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2) If § 224-18A is satisfied, all new construction and substantial improvements must comply with Article V (§ 224-16, § 224-17 and § 224-18) PROVISIONS FOR FLOOD HAZARD REDUCTION.
- 3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

Section XIX

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

Section XX

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 XXI

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).

Council President Madden opened the Public Hearing on Ordinance No. 1971-19. Seeing that there was no public participation, Council President Madden closed the Public Hearing.

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

ADOPTION OF MINUTES

1. Approval of the July 16, 2019 Regular & Executive Meeting Minutes

RESULT:	APPROVED [5 TO 0]
MOVER:	Douglas Rex, Council Member
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey
RECUSED:	Mikolajczyk

MAYOR'S REPORT

Mayor DiMura was absent.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

No report

Fire/OEM/Rescue Squad

1. Approval of the Board of Fire Officer's Report

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

2. Approval of the June, 2019 Fire Chief's Report

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Douglas Rex, 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 July, 2019 Recreation Director's Report

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

2. Approval of the August, 2019 Recreation Director's Report

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

3. Approval of the June, 2019 Recreation Trust Summary

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

4. Approval of the July, 2019 Recreation Trust Summary

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

Public Works/Buildings & Grounds/Recycling

No report

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

1. Approval of the June, 2019 Police Report

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

Administration/Department of Senior Services/Legislation/Licensing

No report.

ADMINISTRATOR'S REPORT

Administrator Karrow discussed the following items listed below:

- I. Flood Management
 - i. Flood Management Ordinance Model D "Best" Ordinance - Adoption 8/13/19
 - ii. Group Elevation Certificate Program
 - iii. Flood Plain Management Program
- II. Update on Sewer Projects:
 - i. Phase I:
 - a. i-Bank funding reimbursement - Council agreed to discontinue
 - b. Additional work on George Street - Mtg. scheduled 9/5/19
 - c. Funds remaining - recommendation still forthcoming; - no update
 - d. O&M Manual required by DEP - no update
 - ii. Phase II Funding; (no update)
 - iii. Phase IV: Sewer Bypass

Mayor DiMura requested Special Meeting on 8/20 to introduce a Bond Ordinance for the inflow & infiltration study for the MCUA

- III. Update on Other Public Works Projects:
 - i. Streetscape Project (no update)
 - ii. South Ave. Reconstruction - Issue with pole relocation (Executive Session)
- IV. Update on Other Projects:
 - i. Library HVAC system
 - ii. Mountain View Park (Scoreboard in Executive Session)
- V. Phone line issues
- VI. Video Taping of Meetings
- VII. Miscellaneous
 - i. Dredging of Lake/Mosquito Control Commission
 - ii. Rec Center, Rec Policies and Rec Ordinance Updates (August 13th agenda)
 - iii. Purchasing Manual Update: no update
 - iv. Revaluation Bid: no update
 - v. Mtgs. with Administrator in Dunellen and Piscataway and new Superintendent
 - vi. Recreation Building Improvements
 - vii. Library Flooding
 - viii. Audit - Resolution to be done at September 10, 2019 meeting

On behalf of Mayor DiMura, Administrator Karrow thanked Mr. Ericson for his donation for a new Middlesex Borough Flag.

PRIVILEGE OF THE FLOOR

Rich Rutkowski, 211 Maple Street would like to ensure that Middlesex does not have the same problem as Somerville regarding the overdevelopment and the need to expand their emergency services. He also questioned the U-Haul trucks that were parking at Price Saver's parking lot, what the statute was for executive session and what was a redemption center.

Dave Polakiewicz, 240 Hazelwood Avenue wanted to know when the council knew the PILOT payments were delinquent and if having them delinquent would hurt expenditures and create a revenue problem. He was

also concerned why financial staff did not notify the borough council. Mr. Polakiewicz also asked when the PILOT payments for Price Savers Market were to begin and also mentioned that on the Forte website it indicates that they have an EB5 Program to solicit foreign investors in projects and is concerned if it effects their revenue calculations.

Betty Platten, 4 Hooker Avenue is concerned that when an item is listed on the Executive Session portion of the Agenda as potential litigation shouldn't the council refrain from speaking on this matter in the public, as it could be taken out of context.

Frank Ryan, 303 Maple Street concerned that the Borough is having the Mosquito Commission dredge the lake, and we don't have a plan in place or involvement with an engineering firm that specializes in lake restoration. After being on the Victor Crowell Park Committee in the past he feels that without a plan there will be issues with the bank stabilization and the lake will become a swamp in 3 years.

Amy Flood, 351 Grant Avenue concerned about the PILOT payments not being paid on time and how they should accrue interest, as a homeowner would on their taxes. She also questioned signage on the roads in Middlesex regarding weight limits for trucks and also if "trucks" included "buses". She questioned what the weight of the buses that are intended to be parked at the bus depot at the Lincoln Boulevard extension will be, as they should not exceed 4 tons, and can only travel down the road for drop off and pick up. Over 4 ton trucks should not be on any other roads besides Lincoln, Route 28, Mountain, Marlborough and Raritan Avenue.

Ms. Flood also questioned if we have in writing that the trucks traveling on Baekeland are only supposed to be traveling away from our town, as the warehouse application will involve many trucks coming in and out of Baekeland Avenue and it will increase traffic issues. She would like to know what plans have been put in place in town to regulate roads to make sure that these buses and trucks are not using our residential roads as a cut through, and would like to ensure that the town is being proactive with proper weight limit signage and enforcement to keep our roads safe from the emissions from these trucks.

Betty Platten, 4 Hooker Ave. stated the bus depot on the Lincoln Boulevard Extension is being used to park buses, and she does not think school buses are 4 tons. Lincoln Boulevard, South Lincoln, and Raritan Ave. are County Roads and Route 28 is a state road which is a perimeter that can be used for these vehicles. Trucks can go on Lincoln Boulevard to Mountain Avenue and go Warrentonville to Route 28 and, Greenbrook Road to Route 28. Any other road should not have 4 ton vehicles on them, unless they are making a delivery, and the Police Department has enforced this ordinance.

Council, Administrator, and Attorney responded to all questions.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Parenti, Council Member
SECONDER:	Jason Carr, 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 210-2019

APPROVING PAYMENT SCHEDULE TO THE MIDDLESEX COUNTY UTILITIES AUTHORITY

WHEREAS, the Borough of Middlesex utilizes the Middlesex County Utilities Authority for sewer treatment services; and

WHEREAS, the 2018 estimated sewer bill from the M.C.U.A. was lower than the actual bill received; and

WHEREAS, the Executive Director of the Middlesex County Utilities Authority and the Mayor DiMura have negotiated a three (3) year payment plan to address the 2018 arrears due to the M.C.U.A.:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Middlesex, Middlesex, County, New Jersey do hereby approve the following repayment schedule to the Middlesex County Utilities Authority for 2018 sewer treatment services billing:

\$108,154.67 payment due March 2, 2020

\$108,154.67 payment due March 1, 2021

\$108,154.67 payment due March 1, 2022

The Borough Clerk read the following resolution:

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

RESOLUTION 211-2019

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2020 ROAD IMPROVEMENTS - HARRIS AVENUE, SHERMAN AVENUE, CHESTNUT STREET, HAZELWOOD AVENUE PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of Middlesex Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020 Road Improvements Harris, Sherman, Chestnut, Hazelwood-00463 to the New Jersey Department of Transportation on behalf of Middlesex Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Middlesex Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Borough Clerk read the following resolution:

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

RESOLUTION 212-2019

**THE TAX COLLECTOR IS AUTHORIZED TO REFUND REDEMPTION FUNDS IN THE
AMOUNT OF \$790.56 FOR BLOCK 200, LOT 5**

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 August 13th, 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>Date of Sale</u>	3/20/2019
<u>Block /Lot</u>	200/5
<u>Amount</u>	\$790.56
<u>Premium</u>	0.00
<u>Certificate</u>	18-00002
<u>Make Check Payable To</u>	US Bank Cust for PC7
	Firsttrust Bank
	50 South 16 th Street
	Ste 2050
	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 214-2019

**APPROVAL OF PROPOSAL OF OWEN, LITTLE & ASSOCIATES FOR DESIGN, BID,
INSPECTION, AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE 2019
NJDOT MUNICIPAL AID PROGRAM GRANT FOR ROAD IMPROVEMENTS TO HARRIS
AVENUE, ASHLAND ROAD, AND FISCHER AVENUE IN THE AMOUNT OF \$53,452.20**

WHEREAS, the governing body received a proposal from Owen Little & Associates dated May 2, 2019 for the Design, Bid, Inspection and Construction Administrative Services for the SFY 2019 NJDOT Municipal Aid Program Grant for Road Improvements to Harris Avenue, Ashland Road, and Fischer Avenue; and

WHEREAS, the proposal for this project includes:

- | | |
|----------------------------|---------------------|
| 1. Design | \$ 48,452.20 |
| 2. Contract Administration | <u>\$ 5,000.00</u> |
| TOTAL COST | \$ 53,452.20 |

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 May 2, 2019, for the Design, Bid, Inspection and Construction Administration Services for the 2019 Road Improvements to Harris Avenue, Ashland Road, and Fischer Avenue in the total amount of \$53,452.20.

2. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Treasurer hereby certifies that funds in the amount of \$53,452.20 are available in Account No. C-04-19-961-000-050.

Caroline Benson, Treasurer

The Borough Clerk read the following resolution:

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

RESOLUTION 215-2019

INCREASING THE SALARIES OF CROSSING GUARDS FROM \$14.25 PER HOUR TO \$14.75 PER HOUR UPON THE RECOMMENDATION OF THE CHIEF OF POLICE - *Item Removed from Consent*

WHEREAS, the Crossing Guard salary in Middlesex Borough is currently \$14.25 per hour and the Middlesex Chief of Police has requested an increase in that amount to \$14.75 per hour; and

WHEREAS, in making said recommendation, Chief Geist has done a comparison of crossing guard salaries in other local area towns; and

WHEREAS, there has not been an increase in Crossing Guard salaries since 2015;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby approve the salary increase of the Borough's Crossing Guards from \$14.25 per hour to \$14.75 per hour, effective immediately.

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 0]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Dotey, Mikolajczyk
ABSTAIN:	Parenti

The Borough Clerk read the following resolution:

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

RESOLUTION 216-2019

**APPROVAL TO ADVANCE PATROLMAN GEORGE PILESKY TO PATROLMAN CLASS
"A"**

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

WHEREAS, On August 6, 2019 Chief Geist recommended Police Officer George Pilesky 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 George Pilesky be and is hereby advanced in grade to Patrolman Class "A" effective August 15, 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 217-2019

**APPROVAL TO ADVANCE PATROLMAN COLIN DEVINCENZO TO PATROLMAN
CLASS "D"**

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

WHEREAS, On August 6, 2019 Chief Geist recommended Police Officer Colin DeVincenzo 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 Colin DeVincenzo be and is hereby advanced in grade to Patrolman Class "D" effective August 17, 2019 at an annual salary of \$83,431.

The Borough Clerk read the following resolution:

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

RESOLUTION 218-2019

**APPROVAL TO ADVANCE PATROLMAN PAUL CERRETO TO PATROLMAN CLASS
"E"**

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

WHEREAS, On August 6, 2019 Chief Geist recommended Police Officer Paul Cerreto 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 Paul Cerreto be

and is hereby advanced in grade to Patrolman Class "E" effective August 9, 2019 at an annual salary of \$73,778.

The Borough Clerk read the following resolution:

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

RESOLUTION 219-2019

APPROVAL TO ADVANCE PATROLMAN ROBERT DANGLER TO PATROLMAN CLASS "E"

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

WHEREAS, On August 6, 2019 Chief Geist recommended Police Officer Robert Dangler 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 Robert Dangler be and is hereby advanced in grade to Patrolman Class "E" effective August 9, 2019 at an annual salary of \$73,778.

The Borough Clerk read the following resolution:

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

RESOLUTION 213-2019

THE TAX COLLECTOR IS AUTHORIZED TO CANCEL TAXES ON VARIOUS PROPERTIES PURCHASED BY THE ARMY CORPS OF ENGINEERS

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

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

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

<u>Block/Lot</u>	<u>Address</u>	<u>Quarter</u>	<u>Amount</u>
54/18	1203 Bound Brook Rd.	3 rd 2019	\$4259.70
		4 th 2019	\$4259.69
		1 st 2020	\$4134.32
		2 nd 2020	\$4134.32
244/1	586 Denton Pl.	3 rd 2019	\$2703.63
		4 th 2019	\$2703.63
		1 st 2020	\$2624.06
		2 nd 2020	\$2624.05

244/12	206 S. Lincoln Ave.	3 rd 2019	\$2144.02
		4 th 2019	\$2144.01
		1 st 2020	\$2080.91
		2 nd 2020	\$2080.91
244/13	208 S. Lincoln Ave.	3 rd 2019	\$1966.92
		4 th 2019	\$1966.92
		1 st 2020	\$1909.03
		2 nd 2020	\$1909.03
247/12	244 S. Lincoln Ave.	3 rd 2019	\$1475.78
		4 th 2019	\$1475.78
		1 st 2020	\$1432.35
		2 nd 2020	\$1432.34

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 220-2019

PAY ALL CLAIMS

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, 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 221-2019

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. Middlesex Borough v. City of Plainfield (DPW site tax appeal)
2. Newchester Litigation (Landlord-Tenant Ordinance)
3. Mountainview Park Scoreboard - (potential litigation)
4. 150 Lincoln Boulevard - (potential litigation)

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	John Madden, Council President
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 222-2019

**AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE
BOROUGH OF MIDDLESEX AND 99 LINCOLN BOULEVARD, LLC FOR A
CONVENIENCE STORE AND GAS STATION AT BLOCK 126, LOT 7.01.**

WHEREAS, the Developer is the owner of the premises currently known as Block 126 Lot 1.01 as shown on the Tax Map of the Borough of Middlesex, County of Middlesex, State of New Jersey; and

WHEREAS, the Developer obtained Preliminary and Final Site Plan Approval and a parking stall size waiver for a 7-Eleven convenience store and gas station, which approvals were memorialized in a Resolution adopted by the Middlesex Borough Planning Board as memorialized on September 26, 2018; and

WHEREAS, the purpose of this Agreement is to address the obligations of the Developer for the Project as delineated in the Resolution of Approval and the reports of the Robert Ricci, Borough Planner, Robert Bucco, Consulting Engineer other Borough Officials; and

WHEREAS, the aforementioned Resolution anticipates and recommends that the Developer enter into a developer's agreement with the Borough; and

WHEREAS, such Agreement was reviewed and favorably recommended to the Borough Council by Christopher M. Corsini, Borough Attorney, Robert Ricci, Borough Planner, and Robert Bucco, Consulting Engineer and, accordingly, is satisfactory to the Borough as executed by the Developer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey that it hereby accepts the aforesaid Developer's Agreement with 99 Lincoln Boulevard, LLC, attached hereto and authorizes its Mayor and Clerk to execute that document on behalf of the Borough of Middlesex.

RESULT:	TABLED [UNANIMOUS]	Next: 9/10/2019 7:00 PM
MOVER:	John Madden, Council President	
SECONDER:	Jack Mikolajczyk, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

AGENDA WORKSHOP ITEM

1. Market Ave parking issues

Council President Madden reported that Chief Geist had submitted a report 4 years ago regarding this parking issue and recommended at that time that we should put a permanent gate at the west end of Market Street, which should be opened only for emergencies.

2. Resident's request to amend noise ordinance

Council discussed a noise complaint that was received and it was determined that our noise ordinance is vague and there is no limit on when to abate noise. Council would suggest that the ordinance be amended to include a time limit. This ordinance will be discussed further with the Borough Administrator and Attorney Corsini.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Paul Maxcy, 12 Market Street concerned with the trucks and cars that have been hit by pool patrons turning their cars around, and also frustrated that once the pool closes the parking problem continues with the high school students parking. Council will follow up and look into any safety issues and possibly reinstalling the fence.

Betty Platten, 4 Hooker Avenue is concerned that if the Council amends the noise ordinance to reflect a specific time, then the residents will possible blast the music for the entire day. Also, if a time is stated in the ordinance, the police cannot do anything. She thinks that the council should leave the ordinance how it is and have the police handle the complaints on an individual basis.

EXECUTIVE SESSION

1. Middlesex Borough v. City of Plainfield (DPW site tax appeal)
2. Newchester Litigation (Landlord-Tenant Ordinance)
3. Mountainview Park Scoreboard - (Potential Litigation)
4. 150 Lincoln Blvd. - (Potential Litigation)

ADJOURNMENT

The next Regular Meeting will be September 10, 2019

Respectfully yours,

Borough Clerk