



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, September 10, 2019

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

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

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

1. Citizens of the Year

Mayor DiMura presented Chris and Janice Maynard with a plaque proclaiming them as the 2019 Citizens of the Year and commended the entire Maynard family for their hard work, dedication and community involvement, especially to the children of the Borough. Mayor DiMura also thanked John Ellery and the Middlesex Funeral Home for the program sponsorship.

APPOINTMENTS

None

PROCLAMATIONS

None

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1973-19 by title:

ORDINANCE 1973-19

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX,
CHAPTER 407, VEHICLES AND TRAFFIC, ARTICLE III, STOP INTERSECTIONS,
SECTION 407-6, STOP INTERSECTIONS; SIGNS**

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

SECTION 1. In accordance with N.J.S.A. 39:4-8.b.(1) and N.J.S.A. 39:4-197(e), Section 407-6 is hereby supplemented, amended and revised to reflect:

(74) *Washington Avenue and Woodrow Street: The intersection is hereby established as a 4-way stop intersection. Stop signs and stop bars are to be installed on Washington Avenue at the north and south approaches to the intersection with Woodrow Street.*

(75) *Washington Avenue and Nelson Street: The intersection is hereby established as a 4-way stop intersection. Stop signs and stop bars are to be installed on Washington Avenue at the north and south approaches to the intersection with Nelson Street.*

(76) *Washington Avenue and Wilson Street: The intersection is hereby established as a 3-way stop intersection. Stop signs and stop bars are to be installed on Washington Avenue at the north and south approaches to the intersection with Wilson Street.*

(77) *Washington Avenue and Dogwood Drive: Stop signs to be installed on Dogwood Drive at the intersection with Washington Avenue.*

(78) *Starlit Drive and June Way: Stop signs to be installed on June Way at both intersections with Starlit Drive.*

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

SECTION 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor DiMura stated that errors were noted in the previously introduced version of this ordinance, it is being re-introduced as corrected. The public hearing is to be held on September 24, 2019.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/24/2019 7:00 PM
MOVER:	Jack Mikolajczyk, Council Member	
SECONDER:	John Madden, Council President	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

The Borough Clerk read ordinance 1976-19 by title:

ORDINANCE 1976-19

AN ORDINANCE CREATING A NEW CHAPTER 10 IN THE BOROUGH CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "CULTURAL ARTS COMMITTEE" TO ESTABLISH AN ADVISORY COMMITTEE FOR THE PRESERVATION THE CULTURE AND HERITAGE OF MIDDLESEX BOROUGH

WHEREAS, the Borough Council of the Borough of Middlesex seeks to establish an ordinance for the creation of a cultural arts committee, to be organized as mandated hereby; 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 10 of the Municipal Code thereof is hereby created as follows:

Section I

Chapter 10-1 is hereby created and entitled "Establishment" and shall appear in its entirety as follows:

There is hereby established a Cultural Arts Committee for the advancement of the creative arts in the Borough of Middlesex. The term "Committee," when used by itself in this Chapter, shall refer to the Borough of Middlesex Cultural Arts Committee.

Section II

Chapter 10-2 is hereby created and entitled "Appointment; Membership; Term" and shall appear in its entirety as follows:

The Committee shall consist of nine members, each of whom shall be residents of the Borough of Middlesex. Members shall be appointed by the Mayor with the advice and consent of the Borough Council. Members shall be appointed for a term of three calendar years from the date of appointment. The initial appointment terms will be staggered in order to prevent all nine members' terms from expiring at the same time. Initial appointments will contain three one-year terms, three two-year term and three three-year term. In the event of a vacancy prior to the expiration of member's term, the Mayor shall appoint, with advice and consent of the Council, a resident of the Borough of Middlesex to fill the remaining portion of the unexpired term.

Section III

Chapter 10-3 is hereby created and entitled "Organization" and shall appear in its entirety as follows:

The membership of the Committee shall appoint from among their membership a chairperson who shall preside of meetings of the Committee. The Committee may approve by-laws for conduct of its business that are consistent with this Chapter and any other relevant legal provision.

Section IV

Chapter 10-4 is hereby created and entitled "Organization" and shall appear in its entirety as follows:

- A. The duties of the Committee shall consist of engaging and encouraging cultural and artistic exhibitions, events and all related activities. These duties may include, but shall not be limited to, the advancement of the following:
 - (1) Visual arts, including, but not limited to, sculpture, painting, drawing, architectural design, photography, motion pictures, and television.
 - (2) Literary arts, including, but not limited to, the writing of prose, poetry, drama and choreography.
 - (3) Performing arts, including, but not limited to, music, dance, poetry-reading, and theater.
 - (4) The collection and display of art objects.
 - (5) The preservation or commemoration of the culture and history of the Borough of Middlesex.
 - (6) Other activities which the Committee defines as advancing the creativity or culture in the Borough of Middlesex.
- B. The Committee shall advise the Mayor and the Borough Council on ways and means for the encouragement of creative talent within the Borough of Middlesex and for the recognition of persons who have made outstanding contributions to the development, expansion, or preservation of culture and history in Middlesex, whether such person is or is not an artist.
- C. The Committee is encouraged to establish cooperative efforts to seek voluntary assistance from other sources of expertise consistent with its purpose.
- D. The Committee shall be authorized and encouraged to apply for and to accept grants and contributions under the auspices of and through the Borough of Middlesex from public and private sources to finance its initiatives. The Committee shall make no expenditure or commitment of Borough funds without the specific authorization of the Council, except that the Mayor, to the extent of staff availability, may authorize administrative staff support for grant applications and publicity.

Section V

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

Section VI

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 VII

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 in the manner prescribed by law.

Myor DiMura explained the nature of the ordinance and also announced that the public hearing is to be held on September 24, 2019.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/24/2019 7:00 PM
MOVER:	John Madden, Council President	
SECONDER:	Jason Carr, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

The Borough Clerk read ordinance 1977-19 by title:

ORDINANCE 1977-19

REFUNDING BOND ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL IMPROVEMENT BONDS DATED MAY 15, 2010, APPROPRIATING AN AMOUNT NOT EXCEEDING \$4,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,250,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF MIDDLESEX FOR FINANCING THE COST THEREOF

WHEREAS, pursuant to the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") has heretofore issued \$9,865,000 aggregate principal amount of its General Improvement Bonds, dated May 15, 2010 (the "Series 2010 Bonds") providing for the financing of certain capital improvements of the Borough; and

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough to refund all or a portion of the outstanding Series 2010 Bonds.

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

Section 1. The Borough is hereby authorized (A) to refund all or part of the Series 2010 Bonds (collectively, the "Bonds to Be Refunded"), and (B) to provide for the payment of the costs of issuing the refunding bonds (including printing, advertising, accounting, financial and legal services, and further including bond insurance premium (if any) and underwriting compensation).

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, one or more series of negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued from time to time in the principal amount not to exceed \$4,250,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purposes for which the Refunding Bonds are to be issued are (i) refunding the Bonds to Be Refunded and (ii) to provide for the payment of the costs of issuing the refunding bonds (including printing, advertising, accounting, financial and legal services, and further including bond insurance premium (if any) and underwriting compensation).

Section 5. Further provisions as to the terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the refunding bonds, and any matters in connection therewith, shall be determined by resolution of the Borough Council of the Borough adopted prior to the issuance of the refunding bonds.

Section 6. All other matters relating to the refunding bonds shall be performed or determined by subsequent resolution of the Borough Council of the Borough, or the performance or determination thereof shall be delegated by resolution of the Borough Council of the Borough to the Chief Financial Officer of the Borough.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that, except for refunding bonds issued in accordance with N.J.S.A. 40A:2-51(c), this refunding bond ordinance shall not be effective as to any refunding bonds unless the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

Administrator Karrow explained that adoption of this refunding bond ordinance will save the Borough approximately \$250,000 in interest. Mayor DiMura stated that the public hearing is to be held on September 24, 2019.

RESULT:	FIRST READING [UNANIMOUS]	Next: 9/24/2019 7:00 PM
MOVER:	Jason Carr, Council Member	
SECONDER:	Jack Mikolajczyk, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

Administrator Karrow explained that the granting of this easement is part of the flood wall and levee project. Mayor DiMura opened the public hearing on Ordinance 1972-19. As no members of the public wished to be heard, Mayor DiMura closed the public hearing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council President
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.

Mayor DiMura explained that this ordinance adopts the redevelopment plan recommended by the Planning Board. Mayor DiMura opened the public hearing on Ordinance 1974-19. There were no members of the public that wished to speak on the ordinance. Mayor DiMura closed the public hearing.

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

The Borough Clerk read ordinance 1975-19 by title:

ORDINANCE 1975-19

**BOND ORDINANCE PROVIDING FOR SEWER STUDY AND IMPROVEMENTS,
APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$47,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF,
AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY**

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. The improvements described in Section 3 of this bond ordinance are hereby authorized as Sewer Utility improvements to be undertaken in and by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$50,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$2,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$47,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of sewer infiltration and inflow study and improvements, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$47,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$50,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$50,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$2,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the

name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as Sewer Utility 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$47,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this 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 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual

payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DiMura explained that this ordinance appropriates funding for a sewer study and is part of the Borough's ongoing sewer projects. Mayor DiMura opened the public hearing on Ordinance 1975-19. Seeing no members of the public that wished to be heard, Mayor DiMura closed the public hearing.

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

ADOPTION OF MINUTES

1. Approval of the August 13, 2019 Regular & Executive Meeting Minutes

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

2. Approval of the August 20, 2019 Special Meeting Minutes

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

MAYOR'S REPORT

Mayor DiMura reported that he and Administrator Karrow met with residents of George Avenue the previous Thursday evening to discuss the upcoming sewer project on George Avenue and that the meeting was a successful one. Letters/agreements will be going out to the residents as discussed previously.

Mayor DiMura also reported that he received a phone call from Middlesex County, in reference to odors caused by Spray-Tek. Approximately 4 or 5 years ago, N.J.D.E.P. forced the County and the Borough to enter into an agreement with Spray-Tek regarding the issues the Borough has been experiencing with the odors. The agreement really tied the hands of the Borough and the County. Mayor DiMura stated that he has been in contact with Middlesex County on what can be done to address the ongoing odor issues. While N.J.D.E.P. normally does not allow these agreements to be broken, the County was recently successful in court in getting the agreement lifted which will allow them to regulate the odors and issue fines. He would like both Council and residents to know that they can now file complaints with the County and would like the phone number to call with complaints listed on the Borough website if not already. The Mayor also

commended the great job Middlesex County did in documenting that Spray-Tek has not been holding up their obligations with the N.J.D.E.P.

Mayor DiMura reported that he received an e-mail from members of the Figel family, informing him of the passing of Mr. Walt Figel, who was the original Assistant Recreation Director, for many years, under John Haverstick and was also a Physical Education teacher in town. The family is requesting that the Recreation Center be named after their father. The Mayor asked that this be listed for discussion on the next Council meeting agenda.

Mayor DiMura reported that he received a phone call from Police Chief Geist shortly before the meeting informing him that a person has been apprehended for the robbery committed at the Quick Chek gas station on the corner of Harris Avenue and Union Avenue a few weeks prior. Mayor DiMura thanked the Detective Bureau for the phenomenal job and stated that further information will be released the following day.

Mayor DiMura also announced that the 9/11 annual memorial ceremony will be held at Victor Crowell park at 7:00pm the following evening and should inclement weather occur, the ceremony will be moved to the High School auditorium.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

1. Approval of the Tax Collection Report for July & July, 2019

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

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. July 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

Council President Madden complimented the job done on the new floor at the Recreation Center and also the improvements to the Ladies Room. Mayor DiMura remarked that the improvements have been accomplished using H.U.D. funding and also complimented the job done by the D.P.W in painting the center.

Public Works/Buildings & Grounds/Recycling

No report

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

1. Approval of the July, 2019 Police Department 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's Report
September 10, 2019

- I. Flood Management
 - i. AW501 Forms
- II. Update of Sewer Projects:
 - i. Phase I:
 - a. i-Bank (formerly EIT) funding reimbursement
 - b. Additional work on George Street
 - c. Funds remaining- recommendation Park Place Main
 - d. O & M Manual required by DEP - no update
 - e. I/I Study
 - f. Sampling Program
 - ii Phase II Funding
 - iii Phase IV: Sewer Bypass
- III. Update on Other Public Works Projects:
 - i. Streetscape Project
 - ii. South Avenue Reconstruction: Issue with pole relocation (no update)
 - iii. Safe Routes to Schools
- IV. Update on Other Projects:
 - i. Library HVAC System
 - ii. Mountain View Park
- V. Video Taping of Meetings - no update
- VI. Miscellaneous
 - i. Rec Center, Rec Policies and Rec Ordinance Updates - no update
 - ii. Purchasing Manual Update - no update
 - iii. Recycling Bid
 - iv. Dredging of Lake/Mosquito Control Commission
 - v. Recreation Building Improvement
 - vi. Library Flooring
 - vii. Lincoln Boulevard Redevelopment Project (under Resolutions)

Consensus of Council was reached, giving authorization to move forward with replacing the damaged sewer main on Park Place, utilizing remaining sewer funds.

PRIVILEGE OF THE FLOOR

Dave Oliver, 216 Ashland Road

- Inquired whether Ashland Road is slated to be paved soon
- Inquired about the landfill and when any action might be taken on it.
- Asked whether funds received from PILOT payments could go toward the resurfacing of Kennedy Drive

Dave Polakiewicz, 240 Hazelwood Avenue

- Inquired whether any PILOT payments had been received since the previous Council meeting
- Inquired who is responsible for the PILOT payment on the soon to be closing Grocery Store on Lincoln Blvd. and how the public can ascertain if PILOT payments have been made.
- Inquired whether 242 Lincoln Blvd. is listed on Executive Session under 'litigation' or 'pending litigation'.

Frank Ryan, 303 Maple Street

- Spoke regarding the lake dredging slated at Victor Crowell Park.
- Spoke regarding other tasks that need to be done on the project in addition to mucking out the lake.

Rich Rutkowski 211 Maple Street

- Spoke about the Cultural & Heritage Committee ordinance
- Made inquiry about the development project around Lincoln Park and parking
- Spoke regarding Somerville's need for a new emergency services complex due to overdevelopment and inquired how the Borough can escape the same fate.
- Inquired about the videotaping of Council meetings

Bob Edwards, 23 Hazelwood Avenue

- Inquired about phone numbers to make complaints about Spray-Tek odors.
- Spoke regarding a long response time by Middlesex County when complaints are received.

Joe Mazze, 355 Market Street

- Inquired about the installation of the gate at the end of Market Street by the swim pool

Rich Thomassey, 109 Green Avenue

- Asked the name of the contractor for Mountainview Park
- Asked when the track was to be replaced at the park

Amy Flood, 351 Grant Avenue

- Stated that she spoke with the Borough Tax Assessor about PILOT agreements a couple years ago who informed her that PILOT payments not made would be subject to litigation.
- Asked about the possibility of future PILOTs and penalties on late PILOT payments
- Asked if the Borough was aware of any other towns experiencing the same issues with PILOTs
- Inquired whether the Redevelopment Director was aware of the issues with the PILOTs

Bob Edwards, 243 Hazelwood Avenue

- Stated that he has spoken with other municipal officials from around New Jersey about how they handle late PILOT payments.

Rich Rutkowski 211 Maple Street

- Inquired who the Borough Attorney was when the PILOT was approved.
 - Inquired about Mr. Pinelli's attorney
-

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

Council President Madden asked that Resolution 231-2019 be removed from the Consent Agenda. No other Resolutions were removed.

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 223-2019**REFUND OF \$100.00 FEE FOR RESIDENTIAL RESALE CERTIFICATE TO MATTHEW RITCHIE FOR 610 GRAND STREET**

WHEREAS, Matthew Ritchie applied to the Construction Office for a Residential Resale Certificate at 610 Grandview St and

WHEREAS, Matthew Ritchie submitted Check #1510 in the amount of \$100.00 on 5/13/19 in payment of said Residential Resale Certificate; and

WHEREAS, no inspections were made and the sale of property did not take place.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$100.00 in favor of Matthew Ritchie, 610 Grandview St, Middlesex NJ 08846 for refund of fee for Residential Resale Certificate.

The Borough Clerk read the following resolution:

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

RESOLUTION 224-2019**THE TAX COLLECTOR IS AUTHORIZED REFUND REDEMPTION IN THE AMOUNT OF \$117.58 FOR BLOCK 273, LOT 16**

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 September 10th, 2019;

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

Date of Sale: 3/20/2019
Block/Lot: 273/16
Amount: \$117.58
Premium: 0.00
Certificate: 18-00005
Payable To: Henry Hansch, Jr.
504 Chandler Lane
Whippany, NJ 07981-1439

The Borough Clerk read the following resolution:

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

RESOLUTION 225-2019

RESOLUTION AUTHORIZING THE SETTLEMENT OF CLAIM NO. 2019172743 TO GERTRUDE CORSINI OF 401 E STREET IN THE BOROUGH OF MIDDLESEX IN THE AMOUNT OF \$190.17 AND THE RELEASE THEREBY OF THE BOROUGH OF MIDDLESEX FOR ALL FUTURE LIABILITY RELATED TO THIS CLAIM

WHEREAS, Gertrude Corsini (hereafter "Property Owner"), residing at 401 E Street (hereafter "Property") in the Borough of Middlesex, suffered property damage as a result of a snowstorm; specifically, to a sprinkler system on her property ; and

WHEREAS, the parties desire to settle this matter amicably, with \$190.17 to be paid to the Property Owner for release of any and all claims said Property Owner may have against the Borough of Middlesex arising out of the alleged loss;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does consent to the settlement of the aforementioned matter pursuant to the terms of the General Liability Release of Claims attached hereto and the Treasurer hereby certifies that funds in the amount of \$190.17 are available in Account 9-01-35-470-000-101; and

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

Treasurer

The Borough Clerk read the following resolution:

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

RESOLUTION 226-2019

THE TAX COLLECTOR AUTHORIZES THE CANCELLATION OF CERTAIN PROPERTY TAXES FOR RESIDENT AT 106 MELROSE AVENUE, AS THEY HAVE BEEN DECLARED A 100% DISABLED VETERAN BY THE DIVISION OF VETERANS AFFAIRS

WHEREAS, the homeowner of 106 Melrose Avenue, Block 156, Lot 23, has been declared a 100% Disabled Veteran by the Division of Veterans Affairs, and:

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

THEREFORE, the Tax Collector is hereby authorized to cancel interest on 1st Qtr. 2019 and the following taxes:

2nd Qtr. 2019 in the amount of \$1946.41
3rd Qtr. 2019 in the amount of \$2072.07
4th Qtr. 2019 in the amount of \$2072.07
1st Qtr. 2020 in the amount of \$2009.25
2nd Qtr. 2020 in the amount of \$2009.24

The Borough Clerk read the following resolution:

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

RESOLUTION 227-2019

THE GOVERNING BODY HAS COMPLIED WITH N.J.A.C. 5:30-6.5 AND HAS REVIEWED THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5;

and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52-to wit:

R.S. 52:27BB-52 - A local officer or member of a Local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Middlesex, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The Borough Clerk read the following resolution:

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

RESOLUTION 228-2019

**AUTHORIZING THE TAX COLLECTOR TO REDEEM TAX TITLE LIEN REDEMPTIONS
IN THE AMOUNT OF \$34,713.69 FOR BLOCK 286, LOT 1**

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 September 10th, 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>	7/12/2017
<u>Block/Lot:</u>	286/1
<u>Amount:</u>	\$34,713.69
<u>Premium:</u>	\$26,100.00
<u>Certificate:</u>	16-00031
<u>Payable To:</u>	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723

The Borough Clerk read the following resolution:

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

RESOLUTION 229-2019

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, DIRECTING THE PLANNING BOARD TO PREPARE AN AMENDED REDEVELOPMENT PLAN FOR THE LINCOLN BOULEVARD REDEVELOPMENT AREA, PURSUANT TO N.J.S.A. 40A:12A-7(F)

WHEREAS, the Borough of Middlesex, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the "Redevelopment Law") adopted Ordinance No. 1723-07 entitled an "Ordinance of the Borough of Middlesex, in the County of Middlesex, Adopting the Redevelopment Plan for the Lincoln Boulevard Rehabilitation Area" on September 18, 2007 (hereinafter the "Redevelopment Plan"); and

WHEREAS, the Planning Board, pursuant to a Resolution adopted January 23 2019, has recommended to the Borough Council that certain amendments and revisions be made to the Redevelopment Plan; and

WHEREAS, in accordance with N.J.S.A. 40A:12A-7(f), the Borough Council wishes to direct the Planning Board and the Borough's Professional Planner, Paul Ricci, P.P. to prepare an amended Redevelopment Plan incorporating the Planning Board's recommendations of January 23, 2019 for the Council's further consideration.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Middlesex, County of Middlesex and State of New Jersey, that the Planning Board and the Borough's Professional Planner, Paul Ricci, P.P. are hereby directed, in accordance with N.J.S.A. 40A:12A-7(f) to prepare an amended Redevelopment Plan incorporating the Planning Board's recommendations of January 23, 2019 for the Council's further consideration.

The Borough Clerk read the following resolution:

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

RESOLUTION 230-2019

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - MUNICIPAL COURT
ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$562.62, which item is now available as a revenue from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of \$562.62;

BE IT FURTHER RESOLVED that the like sum of \$562.62 is hereby appropriated under the caption of "Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$562.62 from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund.

The Borough Clerk read the following resolution:

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

RESOLUTION 231-2019

APPOINTING A FINANCIAL ADVISOR - *Item Removed from Consent*

WHEREAS, the Mayor and Council of the Borough of Middlesex, Middlesex County, New Jersey (hereinafter "Borough") has determined a need to contract the services of a **Financial Advisor**; and

WHEREAS, the Laws of the State of New Jersey provide for the appointment of a **Financial Advisor**; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts N.J.S.A. 40A: 11-1 et seq. requires that the Resolution authorizing the award of contract for "professional services" without competitive bids and the resulting contract must be available for public inspection; and

WHEREAS, the Local Public Contracts Law further requires that a Notice of the award of the contract be printed as a legal advertisement; and

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Middlesex as follows:

1. That the firm of **NW Financial Group, LLC** is hereby appointed as **Financial Advisor** for the Borough of Middlesex for a term of one year, commencing on the effective date of this resolution and terminating on December 31, 2019.
2. That the services to be rendered by the said **Financial Advisor** shall be in compliance with the Laws of the State of New Jersey.
3. This appointment is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because these services are to be performed by a recognized professional, licensed and regulated by law.

4. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be advertised as required by law within ten (10) days from the date adoption.

BE IT FURTHER RESOLVED that the **Financial Advisor** is directed to prepare a written employment contract to be executed by both parties which shall include the following:

- The flat fee described in the proposal for the 2019 Refunding Bond Issue.
- What the fee covers.
- The amount to be charged for all other worked performed with a not to exceed figure.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Bond Counsel, the Borough Business Administrator and the C.F.O.

Council President Madden stated that he did not feel comfortable appointing the financial advisor without knowing the cost. Administrator Karrow explained that the cost is a flat fee of \$7,500.00 which will be more than covered by the savings realized on the refunding bond.

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 0]
MOVER:	Jack Mikolajczyk, Council Member
SECONDER:	John Madden, Council President
AYES:	Madden, Rex, Carr, Dotey, Mikolajczyk
RECUSED:	Parenti

The Borough Clerk read the following resolution:

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

RESOLUTION 232-2019

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - MOTOR VEHICLE
INSPECTION FINES**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$6,022.00, which item is now available as a revenue from the Motor Vehicle Inspection Fines in the amount of \$6,022.00;

BE IT FURTHER RESOLVED that the like sum of \$6,022.00 is hereby appropriated under the caption of "Motor Vehicle Inspection Fines"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$6,022.00 from the Motor Vehicle Inspection Fines.

The Borough Clerk read the following resolution:

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

RESOLUTION 233-2019

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - CLEAN COMMUNITIES
GRANT PROGRAM**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$29,194.76, which item is now available as a revenue from the Clean Communities Grant Program in the amount of \$29,194.76;

BE IT FURTHER RESOLVED that the like sum of \$29,194.76 is hereby appropriated under the caption of "Clean Communities Grant Program"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$29,194.76 from the Clean Communities Grant Program.

The Borough Clerk read the following resolution:

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

RESOLUTION 234-2019

**AUTHORIZING THE SALE OF PROPERTY CONSISTING OF 0.067 ACRES KNOWN AS
A PORTION OF LOT 1.02 IN BLOCK 222 ON THE MIDDLESEX BOROUGH TAX MAP,
LOCATED IN THE REAR PORTION OF THE MIDDLESEX BOROUGH POLICE
DEPARTMENT HEADQUARTERS PROPERTY TO CHRISTOPHER AND ANGELA
JIMENEZ PURSUANT TO THE PROVISIONS OF ORDINANCE 1969-19 FOR THE
PURCHASE PRICE OF \$2,500**

WHEREAS, the Borough Council adopted an Ordinance entitled "AN ORDINANCE AUTHORIZING THE SALE OF A PROPERTY CONSISTING OF 0.067 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)” on August 13, 2019; and

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

WHEREAS, the sale of the Property was also advertised in the Courier News on August 16, 2019; and

WHEREAS, the Township received a bid from the only contiguous property owner in the amount of \$2,500.00 which was accompanied by a deposit of in the form of a certified check in the amount of \$250.00;

NOW, THEREFORE, BE IT RESOLVED, that the Borough attorney is authorized to take such action as required to convey the Property to Christopher & Angela Jimenez;

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

The Borough Clerk read the following resolution:

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

RESOLUTION 235-2019

AUTHORIZING THE AWARD OF A CONTRACT FOR REVALUATION OF ALL REAL PROPERTY IN THE BOROUGH OF MIDDLESEX TO PROFESSIONAL PROPERTY APPRAISERS

WHEREAS, on March 9, 2017, the Middlesex County Board of Taxation ordered that the Borough of Middlesex (the “Borough”) shall implement a revaluation of all real property within the Borough; and

WHEREAS, the Borough of Middlesex did issue a Request for Proposals to perform a revaluation of all real properties in the Borough to be effective for the 2021 tax year; and

WHEREAS, the Borough received two (2) proposals, one from Vital Communications in the total amount of \$401,200.00 and the second from Professional Property Appraisers in the total amount of \$269,195.00; and

WHEREAS, the Township Assessor has recommended that a contract be awarded to Professional Property Appraisers at a cost not to exceed \$269,195.00; and

WHEREAS, the Director of Finance has certified that sufficient funds are available for the award of said contract.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey that a contract is hereby awarded for the revaluation of all property in the Borough of Middlesex to be completed for the 2021 tax year, to Professional Property Appraisers in the amount of \$269,195.00, and pursuant to the terms as further set forth within Professional Property Appraiser's proposal and the Borough RFQ incorporated herein.

The Borough Clerk read the following resolution:

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

RESOLUTION 236-2019

**THE TAX COLLECTOR IS AUTHORIZED TO REFUND REDEMPTION FUNDS IN THE
AMOUNT OF \$117.58 FOR BLOCK 273, LOT 16**

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 September 10th, 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>	273/16
<u>Amount:</u>	\$117.58
<u>Premium:</u>	0.00
<u>Certificate:</u>	18-00005
<u>Payable To:</u>	Henry Hansch, Jr. 504 Chandler Lane Whippany, NJ 07981-1439

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 237-2019

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 [5 TO 0]
MOVER:	John Madden, Council President
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Dotey, Mikolajczyk
RECUSED:	Parenti

The Borough Clerk read the following resolution:

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

RESOLUTION 238-2019

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. 150 Lincoln Boulevard (potential litigation)
2. Landlord Tenant Ordinance (Newchester Litigation)
3. Board of Education Agreement & School Security (contract negotiation & strategies to protect security)
4. 242 Lincoln Boulevard (potential litigation)
5. 99 Lincoln Boulevard (contract negotiation)

On a motion made by Council member Carr and seconded by Council President Madden and all present Council members in favor, the matter of 242 Lincoln Boulevard was added to the Executive session agenda under potential litigation, School Security was added to the Board of Education Agreement matter, 99 Lincoln Boulevard was added under contract negotiation and Resolution 222-2019 was moved to after the Closed session.

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

AGENDA WORKSHOP ITEM

1. Residents Request to Amend Noise Ordinance

Mayor DiMura stated that he received a visit from a resident that had a party at this home, during which his neighbor called the police numerous times complaining of excessive noise. The resident stated that it was very disruptive to his event. The Mayor has spoken with the Police Chief on the matter. The resident is complaining about the noise ordinance being very broad and without time limits. So the Mayor listed on the agenda for Council's input on the matter. Council discussed the current ordinance with the Borough Attorney. The administrative committee was requested to look into the matter and get back to Council with their findings. Mayor DiMura suggested that the matter be kept simple.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

No members of the public wished to be heard at this time.

EXECUTIVE SESSION

1. 150 Lincoln Boulevard & 242 Lincoln Boulevard (potential litigation)
 2. Landlord Tenant Ordinance (Newchester Litigation)
 3. Board of Education Agreement & School Security
 4. 99 Lincoln Boulevard (negotiations)
-

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

ADJOURNMENT

The next regular meeting will be September 24, 2019

Respectfully yours,

Borough Clerk