

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
SEPTEMBER 23, 2014**

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 the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan (absent – work)
	Kevin Dotey
	Stephen Greco
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney:	Aravind Aithal
	Albert Cruz

PROCLAMATIONS

The Borough Clerk read the following Proclamation:

DOMESTIC VIOLENCE PROCLAMATION

WHEREAS, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, Women Aware, Inc. agency along with The Middlesex/Dunellen Domestic Violence Response Team has offered unparalleled services to women, children and men who have been victimized by domestic violence;

NOW, THEREFORE BE IT RESOLVED, that in recognition of the important work being done by Women Aware, Inc. & The Middlesex/Dunellen Domestic Violence Response Team, I, Ronald Dobies, Mayor of Middlesex Borough, do hereby proclaim the month of October 2014 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by Women Aware, Inc., and to work toward the elimination of personal and institutional violence against women, children, and men.

Given Under My Hand And The Seal Of The Borough Of Middlesex, New Jersey, This 23rd Day Of September, 2014.

APPOINTMENTS-NONE

PRESENTATIONS - NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1859-14 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1859-14

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, RESCINDING ORDINANCE NO. 1851-14 AND AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, CHAPTER 248, LAND DEVELOPMENT, SECTION 248-10, FILING FEES

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

SECTION 1. Section 248-10 is hereby amended and Escrow Amounts replaced as follows:

An application to the Planning Board or Zoning Board of Adjustment for any application for development as defined herein shall be accompanied by a filing fee which shall be used to defray the administrative cost of processing the application as follows:

Type of Application	Escrow Amount
Minor Subdivision - Lot Line Adjustment	\$1,000.00
Minor Subdivision	\$3,000.00
Major Subdivision	\$2,000.00 + \$100.00 per lot
Final Major Subdivision	50% of preliminary escrow
Variance with Subdivision	\$3,000.00

Minor Site Plan	\$2,000.00
Major Site Plan	\$3,000.00
Variance with Site Plan	\$3,000.00
Interpretation Application (40:55D-68 & 40:55D-70a, b)	\$ 300.00
Variance Application to Board of Adjustment	\$1,000.00
Special Meetings/Appeals	N/A
Variance Application - Residential Accessory Building	\$ 250.00
Site Plan Review & Requirements for New Jersey Department of Environmental Protection Permits or County Environmental Protection Permits	\$2,000.00 + \$100.00 per lot

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

SECTION 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. The Clerk shall cause a copy of the final form of ordinance as adopted by the Council to be filed with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Dobies opened the Public Hearing on Ordinance No. 1859-14. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1859-14.

Councilman Greco made a motion for adoption seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Greco, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

Borough Attorney Aravind Aithal stated for the record that he would be recusing himself from the discussion on Ordinance No. 1860-14, as the firm he works for has done prior business with 150 Lincoln Blvd. in the past.

The Borough Clerk read Ordinance No. 1860-14 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1860-14

**AN ORDINANCE AUTHORIZING A TAX AGREEMENT
BETWEEN THE BOROUGH OF MIDDLESEX AND
150 LINCOLN BOULEVARD URBAN RENEWAL, LLC,
FOR PROPERTY LOCATED AT LOT 1.01 IN BLOCK 348**

WHEREAS, Lot 1.01, Block 348 in the Borough of Middlesex has been designated an Area in Need of Redevelopment under N.J.S.A. 40A:12-5 et seq.; and

WHEREAS, a predecessor to 150 Lincoln Boulevard Urban Renewal, LLC (“150 Lincoln”) obtained preliminary and final site plan approval from the Borough of Middlesex Planning Board to construct 146 market rate residential rental units; and

WHEREAS, in connection with said site plan approval, the predecessor to 150 Lincoln agreed to pay the sum of \$100,000.00 to the Borough of Middlesex in lieu of constructing affordable housing units; and

WHEREAS, 150 Lincoln has applied to the Borough Council of the Borough of Middlesex (the “Borough”) for tax exemption and abatement for improvements to be made to Lot 1.01, Block 348, pursuant to the New Jersey Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, the Borough Council has reviewed the application of 150 Lincoln for tax exemption and abatement for new construction of residential housing units on Lot 1.01, Block 348, which application conforms to the requirements set forth in N.J.S.A. 40A:20-8; and

WHEREAS, the Borough Council has determined that it would be in the best interests of the residents of the Borough to enter into a tax agreement with 150 Lincoln pursuant to N.J.S.A. 40A:20-9, to provide for a tax exemption and abatement of local real property taxes relating to the new construction of residential structures on Lot 101, Block 348;

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

1. The Borough Council hereby accepts the application of 150 Lincoln for tax exemption and abatement.

2. The Borough Council is hereby authorized to negotiate and enter into a tax agreement on Lot 1.01, Block 348, setting forth the terms by which 150 Lincoln shall pay to the Borough an annual amount in lieu of full property tax payments as authorized by N.J.S.A. 40A:20-10.

3. The tax agreement to be negotiated shall include the agreement of 150 Lincoln to pay the sum of \$100,000.00 in lieu of constructing affordable units.

4. The tax agreement to be executed by 150 Lincoln and the Borough shall be approved by Resolution of the Borough Council.

5. In the event that any provision of this Ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Mayor Dobies opened the Public Hearing on Ordinance No. 1860-14.

Rich Malt, 309 D Street questioned if the Borough will be charging this developer any fee for the overburdening tax implications with the school system and sewer issues. Attorney Cruz indicated that the sewer fees and sewer connection fees are separate and not addressed by the agreement. He indicated that if everyone in town pays the sewer fees, this developer will also be required to pay these fees.

John Erickson, 209 Second Street questioned what payment in lieu of taxes meant.

Mayor Dobies indicated that the \$100,000 represents the payment for affordable housing that can be taken in a cash payment.

Attorney Cruz indicated that the payment in lieu of taxes provides for larger taxes paid to the municipality, the county gets 5% and the school gets a negotiated amount. This is beneficial to the developer because he pays a lesser amount of taxes, but the municipality gets a higher percentage, which increases the borough revenues.

Attorney Cruz mentioned that Item 4 of the ordinance indicates a tax agreement to be approved by the Governing Body. There is a resolution approving the agreement on the meeting, but Attorney Cruz requested that this be tabled, since we do not have a signed agreement by the developer that the governing body has reviewed.

Seeing that there was no further public participation, Mayor Dobies closed the public hearing on Ordinance No. 1860-14.

Councilman Schueler made a motion for adoption seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Greco, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

NEW BUSINESS

The Borough Clerk ready Ordinance No. 1861-14 for introduction.

ORDINANCE NO. 1861-14

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 407, ARTICLE XI, SECTION 407-33 VEHICLES AND TRAFFIC

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

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

SECTION ONE. . Section 407-33 is hereby repealed in its entirety and replaced as follows:

407-33 Turn Prohibitions

(1) No left turn from the Middlesex Shopping Center exits along Route 28 in Middlesex Borough, said highway being known as Bound Brook road and Union Avenue, shall be made except at the traffic light exit.

(2) No left turn on Valentine Street at Route NJ 28 Northbound on Valentine Street to Westbound on Route NJ 28 from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday to Friday when school is in session

(3) No Left turn on Vail Street at Route NJ 28 Northbound on Vail Street to Westbound on Route NJ 28 from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday to Friday when school is in session.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. The ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Councilman Schueler made a motion for introduction seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Greco, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk ready Ordinance No. 1862-14 for introduction.

ORDINANCE NO. 1862-14

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 318, PROPERTY, ABANDONED, ARTICLE I REGISTRATION OF ABANDONED PROPERTIES, SECTION 318-7 FEES

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

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

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**ARTICLE I: Registration of Abandoned Properties
318-7 Fees**

The fee for registering an abandoned property shall be \$500 paid annually or when any registration information changes.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Councilman Schueler made a motion for introduction seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Greco, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk ready Ordinance No. 1863-14 for introduction.

ORDINANCE NO. 1863-14

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX, CHAPTER 320, LANDLORD REGISTRATION, SECTION 320-1 REGISTRATION AND LICENSE APPLICATION

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

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

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

320-1 Registration and License Application

- C. Upon the filing of a completed registration form, payment of the prescribed fee, and, if deemed necessary in the judgment of the Zoning Officer or his/her designee, a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on February 1st. All rental units must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained within the property.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Councilman Schueler made a motion for introduction seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Greco, Dotey, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

ADOPTION OF MINUTES

Councilman Greco made a motion to approve the September 9, 2014 Regular Meeting Minutes & Executive Session Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Schueler and Tackach. No: None. Abstain: None.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - A. Councilman Schueler reported on behalf of Council President Kaplan that the Finance Committee wanted to thank Mayor Wahler for his cooperation for removing the rocks at Victor Crowell Park at no cost to the borough or the taxpayers.
 - B. Councilman Schueler reported that Council President Kaplan has recommended freezing all budgets so we can maintain the progress we have started with controlling expenses. All expenses need to be approved by liaison up to current levels that need to be approved by finance committee. A motion was made by Councilman Schueler to freeze the budget seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
 - C. Council President Kaplan and Councilman Schueler met with a member of the business association to try and start some preliminary discussions and get their input for potential changes to the sewer ordinance. Council President Kaplan requested that Councilman Schueler attend this meeting as he will not be here this week as he is traveling on business. Some good input was obtained from this meeting, and in the near future the finance committee will meet and report back to the council, so we can move forward.
2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco reported that the 6th annual Family Fall Festival will be held at Mountain View Park on October 11th from 3pm – 6pm.
 - B. Swim Pool Project – Councilman Greco reported that a preconstruction meeting was held on September 17th that was attended by Mayor Dobies and Council President Kaplan. Mayor Dobies has agreed to open the gates on Market Street for the project. The Freehold Soil Conservation letter has been posted, but permits were not ready by the meeting. Mayor Dobies met with residents on Saturday and discussed the project. The project is expected to take 10 weeks.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Discussion on Amending Chapter 234 of the Borough Code to Prohibit Outdoor Smoking on Borough Property – Mayor Dobies circulated this ordinance to all council members. It was suggested that a designated area be established to smoke. Councilman Dotey will return this ordinance to the Board of Health with the governing body's suggestions.
4. Public Works/Parks/Sanitation/Recycling
 - A. Councilman Schueler reported that the DPW Stream cleaning finished up by Warrenville on Bonnegut Brook. Predator is also removing the larger pieces.
 - B. Councilman Schueler reported that additional improvements were made to the Pump station with the fuel tank installed and filled. The roof work will be starting next.

- C. The gate is taken down at Market Street to allow for pool project construction to move forward.
5. Police/Legal/Code Enforcement/Construction/Municipal Court –Nothing to Report
6. Administration/Department of Senior Services/Legislation/Licensing – Nothing to Report
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REPORTS

Mayor - Nothing to Report

The Borough Clerk read the following resolution:

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

Consent Agenda 2014(S)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolution #239-14 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #232-14 – Resolution #238-14

Councilman Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

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

Resolution #232-14

WHEREAS, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Middlesex Municipal Alliance Grant for calendar year 2014-2015 in the amount of \$17,965.00.
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

The Borough Clerk read the following resolution:

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

Resolution #233-14

Accepting the Mission Statement/Bylaws of the Middlesex Borough Municipal Alliance Committee which was adopted by the governing body by Ordinance No. 1187 dated March 13, 1990.

The Borough Clerk read the following resolution:

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

Resolution #234-14

Refunding \$50.00 to Mr. Kenneth Levonaitis, 149 Preakness Circle, Branchburg, New Jersey for the duplicate payment of a Landlord Registration.

The Borough Clerk read the following resolution:

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

Resolution #235-14

The Governing Body hereby declares the following equipment received from the Fire Chief as surplus:

1. 1993 Ford 250 Pickup Truck, Vin. 1F
2. THF26H4PNB19497
3. (1) Camper Trailer
4. (69) 50 Feet lengths of 1 3/4 hose
5. (2) 100 Feet Lengths of 1 3/4 hose

6. (3) 100 Feet Lengths of 1" inch hose
7. (1) 25 feet length of 5" hose
8. (5) 50 feet lengths of 3 inch hose
9. (1) 25 feet length of 3" inch hose
10. 6 Air Bottles 2216
11. 1 Roof Ladder

The Borough Clerk read the following resolution:

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

Resolution #236-14

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 2013 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 #237-14

RESOLUTION AUTHORIZING THE BOROUGH OF MIDDLESEX TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE COUNTY OF WARREN FOR A PERIOD OF FIVE YEARS FROM APPROVAL DATE (SEPTEMBER 23, 2014)

WHEREAS, the Borough of Middlesex desires to enter into a Cooperative Pricing Agreement with the County of Warren for a period of five years from approval date; and

WHEREAS, the Borough of Middlesex herein after referred to as “Participating Contracting Unit” with the County of Warren herein referred to as “Lead Agency” for the conducting of certain functions relating to the purchase work, materials and supplies for their respective jurisdiction; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A: 11-11(5) the Borough of Middlesex is hereby authorized to enter into a Cooperative Pricing Agreement with the County of Warren; and

THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

1. Tonya Hubosky, the Qualified Purchasing Agent of the Borough of Middlesex, hereby authorizes the execution of an Agreement with the County of Warren Cooperative with the County of Warren acting as Lead Agency pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is to become a member of the County of Warren Cooperative for a five year period.
2. The Borough of Middlesex Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to the County of Warren as the Lead Agency.
3. This Resolution shall take effect immediately upon final passage according to law.

The Borough Clerk read the following resolution:

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

Resolution #238-14

WHEREAS, the Borough of Middlesex is hereby authorized to purchase a 2014 Ford F-550 Glaval Entourage, 28 passengers or 24 + 2 wheelchair position bus under the Warren County Co-op Bid #WC-1334. The financing breakdown is listed below:

Nominal Annual Rate: 2.500%					
Event	Date	Amount	Number		
1 Loan	10/15/2014	91,182.00	1		
2 Payment	11/15/2014	55,000.00	1		
3 Payment	11/15/2015	37,285.00	1		
	Date	Payment	Interest	Principal	Balance
Loan	10/15/2014				91,182.00
1	11/15/2014	55,000.00	193.61	54,806.39	36,375.61
2	11/15/2015	37,285.00	909.39	36,375.61	0.00
Grand Totals		92,285.00	1103.00	91,182.00	

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a 2014 Ford F-550 Glaval Entourage is ordered under Warren County Co-op Bid #WC-1334 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$10,000.00 is available in Account No. 04-1832-00-1832-80 and \$45,000.00 is available in Account No. 04-1855-00-1855-80. The remaining \$37,285.00 will be appropriated in the 2015 Capital Budget.

The Borough Clerk read the following resolution:

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

Resolution #239-14

WHEREAS, On September 23, 2014, the Council of the Borough of Middlesex adopted Ordinance No. 1860-14 AN ORDINANCE AUTHORIZING A TAX AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND 150 LINCOLN BOULEVARD URBAN RENEWAL, LLC, FOR PROPERTY LOCATED AT LOT 1.01 IN BLOCK 348; and

WHEREAS, on or about July 24, 2014, that the developer 150 Lincoln Boulevard Urban Renewal, LLC filed a letter application for a PILOT; and

WHEREAS, the developer 150 Lincoln Boulevard Urban Renewal, LLC negotiated a PILOT Agreement in the form attached.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor and Borough Clerk are here authorized to sign the PILOT Agreement.

NOW FURTHER BE IT RESOLVED that the Borough Clerk is directed and authorized to send Ordinance No. 1860-14, Letter Application, and PILOT Agreement to the Department of Community Affairs for review and filing.

Councilman Schueler made a motion to table Resolution #239-14 seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Schueler, and Tackach. Nos: None. Abstain: None.

The Borough Clerk read the following resolution:

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

Resolution #240-14

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.

Councilman Schueler made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Schueler, and Tackach. Nos: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Remington & Vernick Engineer's Proposal for Design, Inspection and Construction Administration Services for Marlborough Avenue – Mayor Dobies recommended that we proceed with the approval for engineering services for the Marlborough Avenue reconstruction through the 2014 NJDOT Municipal Aid Program Grant. A resolution will be done at the October 14, 2014 Regular Meeting.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Tom Harrity, 107 Ramsey Road, is concerned that the American Cancer Society obtained a grant to allow signage to municipalities that have an ordinance that allows for "no smoking in public parks" and they would provide us with signs that there would be no smoking. The Board of Health discussed that there was no designated area to smoke. Mr. Harrity asked council to consider how we will get these signs without a designated smoking area.

John Erickson, 209 Second Street questioned (2) How much money has been spent on the cleanup of Warrenton Road and if it will be done every year; (2) The status of the project to

date; (3) If the swim pool had a budget before they start raising the pool fees; and (4) The "road construction" information that was listed on the borough website and who was coordinating this information.

John Madden, 103 Rock Lane questioned (1) If information regarding brownfield's contamination was received for 150 Lincoln Boulevard; (2) The status of the permits; (3) The plans for 7th Street and if any trees would be planted to help with the seepage; and (4) When the Niziol house will be demolished?

Richard Malt, 309 D Street thanked Councilman Kaplan and Councilman Schueler for meeting with him and the Business Association and hopes that they can meet again. Also, Mr. Malt thanked the Mayor and Council for the additional police presence around the borough neighborhoods.

Mayor Dobies addressed all questions from the Public. Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

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

Resolution #241-14

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. Salary – Department Heads & Confidential Employee
2. Hiring of Construction Official & Building Sub-Code Official

Council President Kaplan made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

Councilman Greco moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

ROLL CALL

Mayor	Ronald Dobies	
Council President	Sean Kaplan	Absent
	Kevin Dotey	
	Stephen Greco	
	Patricia Jenkins	
	Bob Schueler	
	Michele Tackach	

Attorney: Aravind Aithal

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk