



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1400 Mountain Avenue
Middlesex, NJ

Linda Chismar
732 356-7400 x238
www.middlesexboro-nj.gov

Tuesday, September 22, 2020

7:00 PM

Recreation Center

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 John Madden
Council President Jack Mikolajczyk
Councilman Jeremiah Carnes
Councilman James Eodice
Councilwoman Amy Flood
Councilman Douglas Rex

Councilman Jason Carr -- **Absent**

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

1. September, 2020 - National Preparedness Month

WHEREAS, the Borough's experience with, and susceptibility to severe weather and natural hazards such as floods, blizzards, hurricanes, and tornadoes, compounded by the continued risk of terrorist attacks, pandemics, and other hazards, both natural and man-made, demonstrates the ongoing need for the state's residents to prepare for a broad range of emergencies; and

WHEREAS, the Middlesex Borough Office of Emergency Management, in cooperation with

the Middlesex County Department of Public Safety and Health Offices, and the Regional Chronic Disease Coalition, and Members of the Office of Health Services would like to encourage everyone to take part in national Preparedness Month by taking one or all of the following steps towards emergency preparedness: Get a kit, make a plan, be informed, and get involved; and

WHEREAS, all residents of the Borough are encouraged to participate in preparedness activities and use the preparedness resources that will be on the Middlesex County social media feeds like Twitter, Facebook and Instagram; and

WHEREAS, the Middlesex County Office of Health Services would like residents to embrace this year's slogan of "Disasters Don't Wait, Make Your Plan Today"

NOW, THEREFORE, I, John L. Madden, Mayor of the Borough of Middlesex do hereby proclaim September, 2020 as "National Preparedness Month" and urge all of our residents to follow the appropriate steps towards emergency preparedness.

2. October, 2020 - Domestic Violence Awareness Month

WHEREAS, domestic violence impacts countless New Jersey residents without regard to age, race, religion, or economic status; as victims suffer at the hands of a spouse or partner, and it affects their children, families, and entire communities; and

WHEREAS, Women Aware, Inc. 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;

WHEREAS, the Borough of Middlesex joins with others across New Jersey and across the Nation in supporting victims of domestic violence and shares the worthy goals of this month-long observance, and likewise supports the work of Women Aware, Inc. along with The Middlesex/Dunellen Domestic Violence Response Team as they strive to provide the best coordinated response to domestic violence in our community, sending a loud and clear message to abusers that domestic violence is not tolerated in Middlesex Borough;

NOW, THEREFORE, I, Mayor John L. Madden, do hereby proclaim October 2020 as Domestic Violence Awareness Month in the Borough of Middlesex and I 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.

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 2007-20 by title:

ORDINANCE 2007-20

AN ORDINANCE RESCINDING ORDINANCE NO. 1976-19 AND ORDINANCE NO. 1986-20 AND CREATING A NEW CHAPTER 19 IN THE BOROUGH CODE OF THE BOROUGH OF MIDDLESEX ENTITLED "CULTURAL AND HERITAGE COMMITTEE" TO ESTABLISH AN ADVISORY COMMITTEE FOR THE PRESERVATION OF THE

**CULTURE AND HERITAGE OF MIDDLESEX BOROUGH, INCLUDING ASPECTS OF
HISTORICAL PRESERVATION AND EDUCATION**

WHEREAS, the Borough Council of the Borough of Middlesex seeks to establish an ordinance for the creation of a cultural and heritage 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 19 of the Municipal Code thereof is hereby created as follows:

Section I

Chapter 19-1 is hereby created and entitled “Establishment” and shall appear in its entirety as follows:

There is hereby established a Cultural and Heritage Committee which shall promote cultural engagement, historical education and preservation, 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 Culture and Heritage Committee.

Section II

Chapter 19-2 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 years, and all appointments shall expire on December 31st. The initial appointment terms will be staggered and shall be made for the balance of the one-, two- or three-year term designated, ending on December 31st of the applicable year 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 19-3 is hereby created and entitled “Membership” 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 19-4 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 historic and artistic engagement, 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 for the preservation of the history and heritage of the Borough, 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 in the time and manner provided by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/13/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	Jeremiah Carnes, Councilman	
AYES:	Madden, Mikolajczyk, Carnes, Eodice, Flood, Rex	
ABSENT:	Carr	

The Borough Clerk read ordinance 2008-20 by title:

ORDINANCE 2008-20

AN ORDINANCE REPEALING AND REPLACING CHAPTER 309 OF THE CODE OF THE BOROUGH OF MIDDLESEX, ENTITLED "PEDDLING AND SOLICITING"

WHEREAS the Governing Body of the Borough of Middlesex originally adopted Ordinance No. 183 (Chapter 309) on December 27, 1951; and

WHEREAS since the passage of Ordinance No. 183 the Governing Body has amended this Ordinance on numerous occasions; and

WHEREAS the Governing Body of the Borough of Middlesex finds it in the best interest of the public and the health and welfare of the citizens of the Borough of Middlesex that this ordinance should be repealed and replaced.

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

1. Chapter 309 is hereby repealed and replaced with the creation of this new Ordinance to be entitled "Peddling and Soliciting" to read as follows:

§ 309-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT - Any person, organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league, or other entity or group seeking to obtain a permit for commercial solicitation.

MERCHANDISE - All goods, wares, food, meat, fish, ice cream, fruits, vegetables, magazines, periodicals, printed material, farm products, services, and orders or contracts for services, home improvements or alterations, and anything that may be sold or distributed by peddlers or solicitors, as defined herein.

PEDDLER - A person, commonly referred to as a "peddler" or "hawker," who goes from place to place by traveling on the streets or from house to house and carries with him goods, wares and merchandise for the purpose of selling and delivering them to consumers.

PERSON - An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

SOLICITOR - Any person, whether a resident of the Borough or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or other public place. The word "solicitor" shall also include the word "canvasser."

§ 309-2. Regulated activities.

The following practices are hereby regulated in accordance with the provisions of this chapter:

- A. That of going in and upon private residences by peddlers, canvassers, solicitors and transient vendors of merchandise, not having been requested or invited to do so by the owner or occupant, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of the same.
- B. That of soliciting money, signatures, votes or opinions, or engaging in political or religious discourse, by a bona fide nonprofit political, charitable or religious organization by going in or upon private residences, not having been requested or invited to do so by the owner or occupant.

§ 309-3. License required.

It shall be unlawful for any person to engage in peddling, soliciting or canvassing within the Borough of Middlesex without first registering with the Borough Clerk by filing an application for a license and having paid the license fee in compliance with the provisions of this Chapter. No person shall engage in any regulated activity, as set forth in § 309-2 hereof, without first having obtained a written license from the municipality. All licenses shall expire at the close of December 31 of the year in which they are issued.

§ 309-4. Exemptions from the license.

The requirements of this chapter shall be held not to include the following persons, who are expressly exempt from its application:

- A. Any person selling fruits, vegetables and farm products grown by himself, with or without the help of others.
- B. Any person honorably discharged from the military, naval or marine forces of the United States, possessing a license issued in conformity with Article II of Chapter 24 of Title 45 of Revised Statutes of New Jersey.
- C. Any blind person who is a resident of this Borough.
- D. Any person who conducts a sale pursuant to statute or court order.
- E. Any person who is an exempt member of a volunteer fire department as defined by Article II of Chapter 24 of Title 45 of Revised Statutes of New Jersey,

possessing a license issued in conformity with said law.

- F. Any person delivering or soliciting newspapers.
- G. The Middlesex Borough Rescue Squad, the Middlesex Fire Department or any of the various fire companies or any other organizations associated with the Borough of Middlesex.

§ 309-5. Use of public streets and rights-of-way prohibited.

It shall be unlawful for any transient merchant, itinerant vendor, itinerant merchant, peddler, hawker, distributor or solicitor to sell, buy, dispose of or offer to sell or dispose of any goods, wares, merchandise or other things of value and/or service in or on any portion of a public right-of-way, nor shall any license be issued to any of the persons named herein nor to a mobile retail food establishment where the location of any activity or activities forming a part of the applicant's business shall be closer than 25 feet to the right-of-way line of any street in the Borough of Middlesex.

§ 309-6. Applications for licenses.

Any person desiring a license to carry out any regulated activity in the Borough shall file, not more than three months prior to the time such activity shall commence, nor fewer than 10 days prior thereto, together with the fee and bond provided by § 309-11 of this chapter, which fee shall be returned if the license is rejected, an application consisting of the following:

- A. A statement, on a form to be supplied by the Borough Clerk, setting forth:
 - (1) The applicant's name and social security number.
 - (2) The applicant's permanent home address.
 - (3) If employed, the name and address of the applicant's employer.
 - (4) The applicant's place(s) of residence for the preceding three years.
 - (5) The dates on which the applicant wishes to commence and complete the regulated activity.
 - (6) Whether the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning canvassing or solicitation and, if so, the date, place and nature of the offense and the penalty imposed.
 - (7) Names or other communities in which the applicant has worked as a canvasser or solicitor in the past two years.
 - (8) Make, model, description and license number of any automobile that the applicant will use in connection with the regulated activity.
 - (9) The use and disposition of any funds to be solicited.
 - (10) A description of the methods to be used in conducting solicitations of

funds.

- (11) Proof, if applicable, that the organization on behalf of which the regulated activity will be conducted is a nonprofit corporation and/ or exempt from federal income taxation.
- (12) A brief statement of the nature of the activity, any associates businesses or organizations, and if applicable, a description of the merchandise or service to be sold.
- (13) Three copies of a photograph of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches.
- (14) The fingerprints and a background check of the applicant, to be completed and approved by the Borough of Middlesex Police Department.

B. A letter or other written statement from the individual, firm or corporation employing the applicant, certifying that the applicant is authorized to act as the employer's representative in carrying out the regulated activity.

§ 309-7. Multiple canvassers.

If more than one agent, solicitor or canvasser will participate in any door-to-door campaign, each participant must make a separate application, supplying all information required pursuant to § 309-6 hereof.

§ 309-8. Issuance or denial of license.

- A. Once the necessary approvals have been met, the Borough Clerk shall issue the applicant a license to conduct the regulated activity unless:
 - (1) The applicant has been convicted of a felony within the previous five years;
 - (2) The applicant has been convicted of violating an ordinance pertaining to canvassing or soliciting; or
 - (3) Any information contained in the application is found to be false or misleading.
- B. If the application is denied, the applicant shall be notified, by mail, of the application's disapproval and that no license shall be issued.

§ 309-9. Use of license.

- A. Every person holding a license under this chapter shall be required to carry this license with him or at his business premises while engaged in the business licensed.
- B. The license shall be worn on the front of his or her outer garment in such a way to be visible to a person facing him or her at all times during the conduct of his or

her activities.

- C. The license shall, upon demand, be exhibited to any police officer or other municipal official and shall be displayed to any person approached in connection with any regulated activity. In door-to-door canvassing, the peddler or solicitor must hand the license to the person being solicited for inspection, at the time he first approaches the individual.
- D. No person shall conduct a regulated activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- E. No person shall make any fraudulent, misleading or incorrect statement in the course of conducting a regulated activity.
- F. It shall be a violation of this chapter if any person to whom a license is issued pursuant to this chapter shall be convicted of a felony while the license is in effect.
- G. A license shall not be transferable from the person whom issued to any other person.

§ 309-10. Fee and bond required.

- A. No license shall be issued in accordance with this Chapter unless:
 - (1) A fee of \$300.00 is paid by the applicant.
 - (2) The Applicant provides a two thousand-dollar (\$2,000.00) bond to the Borough of Middlesex in a firm approved by the Borough Attorney. Such bond may be subject to forfeiture upon proof of: 1) falsification in the application for a license; or 2) willful violation of a Borough ordinance or a state or federal law.
- B. Where an organization has several agents peddling, soliciting or distributing merchandise or printed material, each agent shall be registered separately, and each shall pay the appropriate fees. Upon expiration of a permit, a new permit will be issued upon compliance with all provisions of this chapter and the payment of fees.

§ 309-11. Revocation or Expiration of license.

- A. A license issued pursuant to this chapter may be revoked by the Borough Clerk or the Borough Clerk's designee for any of the following causes:
 - (1) Any fraud, misrepresentation or false statements contained in the application for the license.
 - (2) Any fraud, misrepresentation or false statements made in connection with the

selling of goods, wares or merchandise.

- (3) Any violation of this chapter.
 - (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
 - (5) Conducting the business license under this chapter in an unlawful manner or in such a manner as to constitute a danger and/or menace to the health, safety or general welfare of the public.
- B. Written notice of an appeal from any such revocation may be made to the governing body of the municipality within 10 days of the date of the revocation, and the governing body shall schedule a hearing on the appeal within 30 days after the receipt of said written appeal. The decision of the Borough Council on such appeal shall be final and conclusive.
 - C. Any person that has his or her license revoked pursuant to the provisions of this chapter shall immediately cease and desist from the sale of all merchandise and any related activities within the borders of the Borough.
 - D. Any permit may be renewed upon payment of a permit fee and upon submission of a new application in conformity with this chapter.

§ 309-12. Hours for sales; penalties.

- A. It shall be unlawful for any peddler, hawker or solicitor to sell or dispose of or to offer to sell or dispose of or to solicit any wares, goods, merchandise or service or to solicit any contributions within the Borough of Middlesex before the hour of 9:00 a.m. and after 1/2 hour after sunset, prevailing time; provided, however, that this provision shall not apply to sales of food, confectioneries and ice cream sold at scheduled recreational or cultural events nor to mobile canteen services to industrial and commercial employees at their place of work. The restriction making it unlawful for solicitors to solicit any contributions within the Borough of Middlesex after 1/2 hour after sunset prevailing time shall not apply to those solicitors who are seeking any form of contributions for a religious, charitable or nonprofit corporation nor shall it apply to persons attempting to exercise their First Amendment right of free speech by disseminating their views, attempting to recruit members and/or encouraging citizens to support positions on various issues by signing petitions or contacting local legislators.
- B. Any person violating § 309-14A of this amendatory ordinance shall be subject to a fine of not more than \$200 nor less than \$25 or imprisonment for a period not exceeding 90 days, or both.

§ 309-13. Notice regulating soliciting.

It is hereby declared to be one of the policies of the Borough of Middlesex that the occupant or occupants of the residences in this Borough shall have the right to make a determination as to whether solicitors shall be or shall not be invited to his respective residences. If a determination has been made by an occupant of a residence that solicitors, peddlers and/ or hawkers shall not be invited to their respective residences, notice of the determination by the occupant of refusing to

invite solicitors to any residence shall be given by notice posted on the premises in the following manner: "NO SOLICITORS INVITED." The letters shall be at least two inches in height and shall be displayed so that they are clearly visible to any prospective solicitors, peddlers and/or hawkers. Signs which indicate "No solicitors invited" shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon, and if the notice states "No solicitors invited," then the solicitor, hawker and/or peddler shall immediately and peacefully depart from the premises. Any solicitor, hawker and/or peddler who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

§ 309-14. Prohibited acts.

Uninvited soliciting is prohibited. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises or ring the doorbell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of this chapter.

§ 309-15. Effect of provisions.

All other portions of the various ordinances regulating the activities of solicitors, hawkers and peddlers in the Borough of Middlesex which are not inconsistent with the terms of this chapter shall remain in full force and effect.

§ 309-16. Violations and penalties.

Any person required by this chapter to procure a license who violates its terms or fails to comply with Article 1 of Chapter 24 of Title 45 of the Revised Statutes of New Jersey shall be subject to a fine of not more than \$500 for each violation.

§ 309-17. Enforcement.

It shall be the duty of all police officers of the Borough to enforce the provisions of this chapter.

This ordinance shall take effect January 1, 2021.

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/13/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	James Eodice, Councilman	
AYES:	Madden, Mikolajczyk, Carnes, Eodice, Flood, Rex	
ABSENT:	Carr	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the September 8, 2020 Regular Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Councilman
AYES:	Madden, Mikolajczyk, Carnes, Eodice, Flood, Rex
ABSENT:	Carr

MAYOR'S REPORT

Mayor Madden read into the record the findings that the Borough received from the New Jersey Department of Transportation regarding the school zone speed limit along Route NJ 28 (Bound Brook Road).

"Staff of the BTE (Bureau of Traffic Engineering) have conducted a school speed limit investigation along Route NJ 28 (Bound Brook Road). Our investigation included a review of the current speed check data, the pacing of vehicles in the normal traffic stream, crash data, the roadway conditions and an evaluation of the adjacent land use. The speed check data obtained within the 35 MPH speed zone along Route NJ 28 shows the 85% percentile speed values of 42 MPH eastbound and 41 MPH westbound. The 85th percentile speed is an accepted national standard used by the NJDOT when evaluating speed limits along the New Jersey state highways.

Based on our observations and a review of the data obtained, it was determined that a 25 MPH School Zone Speed Limit for the Middlesex Borough High School zone is not recommended for the following reasons:

1. The submitted School Zone Data Form indicates that there are no designated School Crossing(s) for the Middlesex Borough High School zone along Route NJ 28 (Bound Brook Road).
2. The submitted School Zone Data form indicates that pedestrians cross Route NJ 28 (Bound Brook Road) at JFK Drive (entrance to Middlesex Borough High School), which is a "Pedestrian Activated" traffic signal with painted crosswalk, which stops traffic completely when activated by a pedestrian.
3. A crash analysis for the most recent 3-year period, revealed a total of 5 accidents during the days and hours that can reasonably be interpreted as when children would be walking to or from school. A review of the crash data revealed that there was one (1) reported pedestrian accident which crossed the roadway "mid-block" just a short distance west of the provided traffic signal and crosswalk at JFK Drive."

COUNCIL MEMBER REPORTS

Council President Mikolajczyk

Council President Mikolajczyk stated that they had a meeting on September 16th with representatives of the Board of Education and of Middlesex Borough. For the BOE the meeting was attended by the Superintendent, the Business Administrator, the Director of Buildings and Grounds and the President and Vice President of the Board of Education. For the Borough the Business Administrator, the Director of the DPW, the Mayor and the Council President were present. There was an agenda that was centered around mending fences and upcoming changes for garbage and sewer as well as a discussion on shared services. In general, it was a positive meeting and was a good first step.

Councilman Carnes

Councilman Carnes reported on the following - The Joint Land Use Board Meeting for 9/23 was canceled, and the next meeting is scheduled for October 14th.

The following took place for the Department of Public Works

- Switched back to once a week trash pick up
- Oct 28th last day for curbside bulk pick up
- Distribution of new leaf bags in starts beginning of Oct.

- Recycling Center Hours changing Oct 5th
3 day schedule instead of 5 day
- o Tuesday 6am-2pm
- o Thursday 11am -7pm
- o Saturday 7am-3pm

Councilman Carnes also mentioned that in regard to the Culture & Heritage Committee - they have been approved for application phase Middlesex County Grants

There was no update on Coffee with Council or the Board of Education.

Councilman Carr

Councilman Carr was absent.

Councilman Eodice

Councilman Eodice stated that the Board of Health Meeting was held on September 10, 2020. They are still trying to have a rabies clinic, however the Veterinarian that has been used previously is not participating this year. The Board is working on getting another one for the Clinic. Additionally, the Board of Health discussed the need to reboot an Environmental Commission, Councilman Eodice would like to look further into it. The Councilman wanted to share that the Board of Health complimented the Mayor and Council for the decisions being made, specifically in regards to Covid-19.

On Sunday September 20, 2020 the Councilman attended a Fireman Department Leadership, where they inspect all the fire engines and companies. He noted that he had the pleasure of joining the companies on back to back calls after the commencement of the inspection, one of which being a structural fire. Councilman Eodice expressed his appreciation for the members and stated it was a privilege to see them in action.

Councilman Eodice noted that on the September 21, 2020 Fire Department Meeting there was a discussion regarding the Banquet decision and the impact that it might have on the fire department. Councilman Eodice urged the Council and Administration to find a way to help make the event happen, stating that the event is a real opportunity to say thank you to all the members.

Councilman Eodice requested everyone to take a moment to acknowledge the passing of Supreme Court Judge Ginsberg.

Councilwoman Flood

Councilwoman Flood welcomes the new Director of Recreation and stated that the next Recreation Committee Meeting will be held of October 12, 2020.

She does not have any reports on the HUD Committee.

Councilwoman Flood brought up a discussion she had with a citizen who expressed their concern about an odor of sewage at Mountain View Park. Said person came to her with various ideas as to what would cause the odor. Councilwoman Flood asked that it be looked into further.

Councilman Rex

Councilman Rex reported that as per normal summer schedule the last Shade Tree Meeting was in June. Shade Tree received 32 communications, from residents; to look at Shade Trees on their properties. Commission members, who had previously reviewed the list, and had knowledge of specific trees in question, visited those locations. Recommendations were made to have 5 trees removed. The

remaining Trees' on the list were discussed individually and Shade Tree. Members were assigned to inspect and report back findings at the next meeting. There were 5 communications on the work agenda. They were all discussed with the appropriate actions taken. Commission member had secured fencing for protection of seedlings planted along Raritan Ave. during the spring. A work detail will be formed for installation. Planting of the Arbor Day Tree was deferred until 2021 due to COVID, but the secretary has secured the funding. We are still awaiting our Salem Oak seedling, which have been promised to every town in NJ. Fall Tree planting was also discussed, and the members will be getting quotes and discuss at the October meeting.

ADMINISTRATOR'S REPORT

Administrator's Report September 22, 2020

*Items with asterics * have updates*

- i. COVID update
- ii. Flood Management:
- iii. Update on Sewer Projects:
 - i. Phase I:
 - a. Additional work on George Street
 - b. O&M Manual required by DEP - no update
 - c. I/I Study
 - d. Sampling Program
 - ii. Phase II Funding: Pending with i-bank (DEP)
 - iii. Phase IV (Sewer Bypass) - Design/engineer/i-bank
 - iv. MCUA Lining Project
- iv. Update on Other Public Works Projects:
 - i. ***Streetscape Project**
 - ii. Safe Routes to Schools - no update
 - iii. Road Design (2019 DOT Grant)
 - iv. Road Design (2020 DOT Grant)
 - v. Road Design (2021 DOT Grant)
- v. Update on Other Projects:
 - i. Mountain View Park
- vi. Miscellaneous
 - i. ***Video Taping of Meetings: additional work**
 - ii. ***Dredging of Lake/Mosquito Control Commission**
 - iii. Eagle scout project - dog park
 - iv. Presentations at Upcoming Meetings
 - v. ***School District Shared Services**
 - vi. ***Sewer Ordinance**
 - vii. ***FEMA Hazardous Mitigation Plan**
 - viii. ***Property maintenance ordinance**

ix. *CO inspection for illegal discharge into sewer system ordinance

PRIVILEGE OF THE FLOORMichelle Tackach, 149 Benart Place

- Requested if the Food Drive that they are holding that is partnered with McFoods could be posted on the borough website.

Rich Rutkowski, 211 Maple Street

- Questioned if we paid a contractor for the work at Victor Crowell Park?
- If a PILOT is done by ordinance

Kevin Redzinski, 441 Fairview Avenue

- Questioned the state of the website with regard to security
- What present council members voted on the state of the cell tower
- How the new ordinance regarding bulk pickup tickets will affect the residents putting items for “free” on their curb.

Dave Polakiewicz, 240 Hazelwood Avenue

- In favor of revisiting the appointment of an Environmental Commission.
- Questioned if when a site plan gets rejected the applicant can file a lawsuit and force their plan to be accepted or reach a settlement and wanted to know if this can be done with a redeveloper with a PILOT.

Mayor Madden, Administrator Karrow and Attorney Corsini responded to all comments and questions by the public.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Councilman
AYES:	Madden, Mikolajczyk, Carnes, Eodice, Flood, Rex
ABSENT:	Carr

The Borough Clerk read the following resolution:

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

RESOLUTION 226-2020**APPROVAL OF THE REIMBURSEMENT OF \$13.00 TO MS. ELLA BENSON FOR A DOG LICENSE THAT HAD AN INVALID RABIES**

The Governing Body hereby approves the reimbursement of the Dog License Fee to Ms. Ella Benson, 210 Lincoln Blvd., Middlesex, NJ in the amount of \$13.00, as the rabies vaccination was invalid for a 2020 License.

The Borough Clerk read the following resolution:

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

RESOLUTION 227-2020**AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT OF PROPERTY TAXES ON BLOCK 22.03, LOT 3.11**

WHEREAS, 190 Market St. Block 22.03 Lot 3.11 sold on 7/30/2020 and;

WHEREAS, the new owner of 190 Market St., Block 22.03 Lot 3.11, has been declared a 100% Disabled Veteran as of 7/30/2020 and;

WHEREAS, 100% Disabled Veterans are exempt from property taxes, and;

WHEREAS, the prior owner's mortgage company paid 3rd Qtr. taxes in full in the amount of \$3,128.96 and;

WHEREAS, 3rd Qtr. covers the months of July, August & September and;

WHEREAS, the mortgage company has requested, on behalf of the homeowner, and is entitled to a partial refund in the amount of \$2,086.20 and;

WHEREAS, refunds are issued to the original payor and;

NOW THEREFORE, a check in the amount of \$2,086.20 should be made payable to:

Lereta
901 Corporate Center Dr.
Pomona, CA 91768

The Borough Clerk read the following resolution:

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

RESOLUTION 228-2020**THE GOVERNING BODY HEREBY APPROVES ISSUING A CREDIT IN THE AMOUNT OF \$4,051.46 TO BE APPLIED TO FUTURE PROPERTY TAXES FOR THE PROPERTY LOCATED AT 401 N LINCOLN AVENUE, BLOCK 30, LOT 1, BASED UPON THE MIDDLESEX COUNTY BOARD OF TAXATION JUDGEMENT**

WHEREAS, the owner of the property located at 401 N Lincoln Avenue, Block 30 Lot 1, demolished the improvement and;

WHEREAS, under N.J.S.A. 54:4-23 and N.J.S.A. 54:4-35.1, valuation and the material depreciation of any structure which has been destroyed, consumed by fire, demolished, is to be removed from the assessment list and;

WHEREAS, the original assessment was 30,000 Land, 43,000 Improvement for a total of 73,000, and;

WHEREAS, a tax appeal (# 10-2000007A) was filed with the Middlesex County Board of Taxation to reflect the material depreciation and demolition of the structure and;

WHEREAS, The Middlesex County Board of Taxation issued a judgement reducing the total 2020 assessment to the land value of 30,000 and;

WHEREAS, the property owner will be notified by this resolution that they will receive a credit in the amount of \$4,051.46 to be applied to future property taxes.

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

1. The Governing Body hereby approves issuing a credit in the amount of \$4,051.46 to be applied to future property taxes for the property located at 401 N Lincoln Avenue, Block 30, Lot 1, based upon the Middlesex County Board of Taxation Judgement's reduction in the land value.
2. This resolution shall take place immediately.

The Borough Clerk read the following resolution:

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

RESOLUTION 229-2020

HIRING SCHOOL CROSSING GUARDS FOR THE 2020/2021 SCHOOL YEAR

At the recommendation of Chief Geist, the Governing Body hereby hires the following as School Crossing Guards for the 2020/2021 School Year:

Will Adams
523 Chestnut Street
Middlesex, NJ

Gina Demichele-Strong
31 Greenbrook Road
Green Brook, NJ

Frances Jones
152 South Bridge Street
Somerville, NJ 08876

The individuals have been investigated by the Middlesex Police Department and meet all of the requirements for the position.

The Borough Clerk read the following resolution:

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

RESOLUTION 230-2020

**HIRING OF TYLER HEISCH AND JOSEPH MCCAULEY AS PART TIME LABORERS
FOR THE DEPARTMENT OF PUBLIC WORKS AT \$14.00 PER HOUR, AT A MAXIMUM
OF 28 HOURS PER WEEK, PENDING A SATISFACTORY PHYSICAL AND
BACKGROUND CHECK EFFECTIVE SEPTEMBER 28, 2020**

The Governing Body hereby hires Tyler Heisch and Joseph McCauley of Middlesex, NJ as part time laborers for the Department of Public Works at \$14.00 per hour, at a maximum of 28 hours per week, pending a satisfactory physical and background check effective September 28, 2020.

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 231-2020

PAY ALL CLAIMS

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	Douglas Rex, Councilman
AYES:	Madden, Mikolajczyk, Carnes, Eodice, Flood, Rex
ABSENT:	Carr

AGENDA WORKSHOP ITEM

1. Halloween

Council discussed the Borough participating in the celebration of Halloween. Discussed were possibly restricting hours and having a curfew, notification by homeowners that participate or are not willing to participate, how adjoining towns will be handling, how the Governor is handling and also making a decision 6 weeks prior to Halloween. Council agreed to table this discussion until the October 13, 2020 Regular Meeting.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Kevin Redzinski, 441 Fairview Avenue

- Requested that the Council stipulate a time frame for children to trick or treat and also look into how adjoining towns will be handling the holiday.

EXECUTIVE SESSION

ADJOURNMENT

The next Regular Meeting will be October 13, 2020

Respectfully yours,

Borough Clerk