



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, October 13, 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 Jason Carr
Councilman James Eodice
Councilwoman Amy Flood
Councilman Douglas Rex

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

EXECUTIVE SESSION

The Borough Clerk read the following resolution:

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

RESOLUTION 232-2020

EXECUTIVE SESSION - PUBLIC SAFETY: POLICIES & PROCEDURES

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. Public Safety: Policies & Procedures

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

PRESENTATIONS

Borough Auditor Bob Allison of Holman Frenia Allison, P.A. attended the meeting to discuss the 2019 Municipal Audit and an update on the borough finances for the year 2019. Mr. Allison discussed the three minor comments and recommendations made for this audit that have been rectified for 2020. Mr. Allison also discussed the major reduction in the borough surplus over the last three-year period (50%). Based upon Mr. Allison's clients that his firm represents, he recommended that the borough should have between 15% - 20% in surplus each year. The Governing Body is aware of this and will be trying to get the borough surplus back where it should be.

APPOINTMENTS

PROCLAMATIONS

Mayor Madden read the Proclamation declaring October, 2020 Mental Health Awareness Month.

1. October 2020 Mental Health Awareness Month

WHEREAS, the U.S. Surgeon General's Report on Mental Health has concluded that mental health is an essential component of overall health and well-being;

WHEREAS, for more than 50 years, Mental Health America has proclaimed October as, "Mental Health Awareness Month", to raise awareness about mental health, combat the social stigma & discrimination associated with mental illness that often prevents people from seeking help, promote a message of hope and recovery, and celebrate consumer strength and resilience;

WHEREAS, people with mental illness & addiction recover if given the necessary supports & services in the community, yet many avoid seeking help due to stigma and the fear of discrimination;

WHEREAS, Middlesex Borough recognizes the stigma associated with mental illness & addiction and acknowledge that many people may remain unserved because of the stigma

of seeking help. This month we call attention to this so we can bring mental illness and addiction out of the shadows and encourage treatment and support. We acknowledge that greater public awareness about mental health & addiction recovery can change negative attitudes and behaviors;

WHEREAS, Middlesex Borough stands with those impacted by behavioral health challenges and pledges to increase awareness and greater understanding of these conditions. We will work to reduce stigma and discrimination, and increase appropriate, accessible supports and services. We will strive to promote a message of hope and the belief that healing and recovery are attainable;

Now, **THEREFORE**, I, John Madden, Mayor of the Borough of Middlesex, do hereby proclaim the month of October 2020 as Mental Health Awareness Month and call upon all the citizens to participate in efforts to increase awareness and better understanding of mental illness & addiction, and work towards eliminating stigma in Middlesex Borough.

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 2009-20 by title:

ORDINANCE 2009-20

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, from among residents and Community Leaders. 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 31 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 a member's term, the Mayor shall appoint, with advice and consent of the Council, a replacement 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: 10/27/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	Jeremiah Carnes, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

The Borough Clerk read ordinance 2010-20 by title:

ORDINANCE 2010-20

AN ORDINANCE AMENDING CHAPTER 80 (POLICE DEPARTMENT), SECTION 80-60 (AUTHORITY TO DISCIPLINE) TO CLARIFY CERTAIN PROVISIONS THEREOF RELATED TO DISCIPLINE

WHEREAS, the organization and structure of the Middlesex Borough Police Department is codified in Chapter 80 of the Municipal Ordinances of the Borough of Middlesex; and

WHEREAS, N.J.S.A. 40A:14-118 permits “any executive or administrative officer charged with the general administrative responsibilities within the municipality” to conduct an “examin[ation] at any time...of the police force or the performance of any officer or member thereof”.; and

WHEREAS, the Borough Council of the Borough of Middlesex seeks to clarify certain provisions of Chapter 80 of the Municipal Code of the Borough of Middlesex with regards to the disciplinary process;" and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that Chapters 80 (Police Department), Sections 80-60 (Authority to Discipline) of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, is hereby amended as follows:

SECTION I.

Section 80-60 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. Authority. Except as otherwise provided in N.J.S.A. 40A:14-147 to 40A:14-151 inclusive, and municipal ordinances, the Department disciplinary authority and responsibility shall rest with the Chief of Police. ~~With the exception of oral reprimands and emergency suspensions, Department discipline must be taken or approved by the Chief of Police.~~

B. Exceptions. Department discipline must be taken or approved by the Chief of Police, with the exception of:

(1) Oral reprimands;

(2) Emergency suspensions, either pursuant to Section 80-61 of this Code or as conferred by statute or regulation;

(3) In circumstances where the Chief of Police is or may be subject to disciplinary action arising out of the same course of conduct that is the subject of the discipline, the appropriate authority may exercise its performance oversight pursuant to N.J.S.A. 40A:14-118 and take or approve discipline of a member of the Department subordinate to the Chief of Police.

(4) In circumstances where the Chief of Police has recused himself or herself from consideration of the matter due to a conflict of interest under the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., or in the event the Chief of Police has been disciplined pursuant to any section thereof, the appropriate authority may exercise its performance oversight pursuant to N.J.S.A. 40A:14-118 and take or approve discipline of a member of the Department subordinate to the Chief of Police.

~~B~~C. Discipline by supervisory personnel. Other supervisory personnel may take the following disciplinary measures.

- (1) Oral reprimand.
- (2) Written reprimand (subject to approval by the Chief of Police **notwithstanding Subsection B hereof**).
- (3) Emergency suspension until the next business day.
- (4) Written recommendation for other penalties.

SECTION II.

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

SECTION III.

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

SECTION IV.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 10/27/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	James Eodice, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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:	TABLED [UNANIMOUS]	Next: 10/27/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	James Eodice, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

ADOPTION OF MINUTES

1. Approval of the September 22, 2020 Regular Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden reported that the MCIA is concerned with the amount of contaminated items that are being recycled by borough residents. The Mayor was informed that if the residents persist by not complying with the requirements, the contractor for MCIA will not pick up their recycling. The MCIA is recommending that certain items do not get co-mingled with the recycling, and that the resident abide by the guidelines.

COUNCIL MEMBER REPORTS

Council President Mikolajczyk

Council President Mikolajczyk that the 2019 audit results came out as we expected. He congratulated Acting CFO Caroline Benson and her team on the great job that was done on this audit.

Councilman Carnes

Councilman Carnes stated that the Joint Land Use Board meeting will be held October 14th.

Councilman Carnes Complimented the DPW on their work around town.

He also reported that the Culture and Heritage Committee have their first grant submitted and they are waiting to see how much they receive. The grant is for box wraps around the community.

Councilman Carr

Councilman Carr had nothing to report.

Councilman Eodice

Councilman Eodice stated that on October 4th he participated in the final inspections for the year with each fire department which typically is held in the Superfoods parking lot. However, this year it was downplayed due to Covid. He commented on the event being more like a quarterly inspection.

Councilman Eodice commented on the well-maintained conditions of each vehicle.

Councilman Eodice mentioned that prior to the end of the inspection, when they announce the winner of the contest, a fire call came in that he was able to attend. This resulted in the winner not being stated. He will update everyone on the winner's status when he is notified.

Councilwoman Flood

Councilwoman Flood stated that the Recreation Committee moved their meeting to October 19th due to the past Monday being a holiday. She mentioned that the New Recreation Director has put up a flier for a new program and expressed her excitement for new programs starting up again.

The Board of Education had their meeting October 12th.

The councilwoman attended a meeting with Dr. Williams and Dr. Ruffalowski. She reports that students that have not yet returned to school are due to on November 9th as part of Phase 2. The School Principals are communicating with parents about their children. Dr. Williams also requests that residents stay off School playgrounds on weekdays from 7am-6pm.

Councilwoman Flood met with members of OEM October 12th to tour the facility.

She also wanted to thank Lenny Vidal for taking her around town to identify Borough Owned and maintained properties. This was so they can get Community Sponsors to improve some of the areas.

Councilman Rex

Councilman Rex stated that the Shade tree Commission held a remote meeting on October 8th. There were 33 communications that were discussed from last months meeting to present and were scheduled for inspection.

Councilman Rex reported that 9 trees were deemed needed to be removed and several needed to be trimmed, pruned or deadwood removed. A few residents wanted replacement trees for the ones that were already dead.

Councilman Rex commented that at the dead end of Cook Avenue there is a large tree that needs to be removed, which has plenty of space to plant additional trees. Seedlings that were planted on Raritan Avenue last Spring are thriving with minimal losses due to the Shade Tree Chairman's efforts during the Summer months. New fencing was installed, and mulch was put down as needed.

The Fall 2020 planting location will be discussed at the November meeting, and the Commission determined that 20 trees of various species will be planted. The Commission must get 2 quotes and once approved, will prepare for a voucher to be encumbered for Fall Tree Planting.

ADMINISTRATOR'S REPORT

Administrator Karrow reported on the following:

1. Thanked Acting CFO Benson for her hard work on the 2019 Audit.
 2. The MCIA has issues with the contaminated recycling that is done in the Borough and reiterated that especially plastic bags, shredded paper and pizza boxes that are soiled are considered contaminated items, and should not be put in with the recycling. If residents do not abide by these requirements, their recycling will not be picked up.
 3. Architect Bid - The \$100,000 for this funding has been allotted in the capital budget, so that we would have funding for the future for architectural services for the DOE property and also to make the Administrative Offices ADA Compliant.
-

PRIVILEGE OF THE FLOOR

Bob Edwards, 243 Hazelwood Avenue questioned if the DPW moves out of their present location on Main Street if the building would be vacated.

John Ellery, 701 Lincoln Boulevard, President of the Business Association, questioned the status of the sewer

ordinance, as the sewer bills have increased tremendously, and he also questioned who was handling the appeals, to make sure that they are being handled fairly and honestly.

Mayor Madden and Administrator Karrow responded to all comments and questions.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

The Borough Clerk read the following resolution:

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

RESOLUTION 233-2020

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the August, 2020 Police Department Report
2. Acceptance of the September, 2020 Board of Fire Officer's Report
3. Jose Estrada has been accepted as an active member of the Middlesex Fire Department.
4. Aidan Mott has been accepted as a junior member of the Middlesex Fire Department.
5. Connor Wise is now eligible for ride along.
6. Approval of the August, 2020 Fire Chief's Report

The Borough Clerk read the following resolution:

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

RESOLUTION 234-2020

ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER THE SENIOR CITIZEN DISABLED PERSON/VETERAN TAX DEDUCTIONS

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2019, and

WHEREAS, once property is sold the deduction is to be removed and/or prorated to new owner; and

WHEREAS, the property has a recorded sale date of 6/30/2020, and;

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2020 year totaling \$126.03.

Name: Blomquist, Shirley
Block/Lot: 78/20
Amount: \$126.03
Reason: Sale of property 6/30/2020
Year: 2020

The Borough Clerk read the following resolution:

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

RESOLUTION 235-2020

AUTHORIZING THE REIMBURSEMENT OF \$11.25 TO DAN & MARIANNA'S DELI FOR AN OVERPAYMENT OF THEIR 2020 MERCANTILE LICENSE

The Governing Body hereby approves of the reimbursement to Dan & Marianna's Deli, 1321 Bound Brook Road the sum of \$11.25 for overpayment of a 2020 Mercantile License.

The Borough Clerk read the following resolution:

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

RESOLUTION 236-2020

APPROVING FLOOR MAT SERVICES FOR BOROUGH HALL, THE RECREATION/SENIOR BUILDING AND POLICE DEPARTMENT BUILDING TO NATIONAL DUST CONTROL FOR JANUARY 1, 2021 - DECEMBER 31, 2021 IN THE AMOUNT OF \$5,167.11

WHEREAS, request for quotes were solicited on September 1, 2020 for Floor Mat Services for the Borough Hall, Recreation/Senior Building and Police Department;

WHEREAS, one (1) quote was received, quote listed below:

National Dust Control
200 Blackford Avenue, Middlesex
Yearly amount \$5,167.11

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

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the contract for Floor Mat Services for a (1) year contract beginning January 1, 2021 and ending December 31, 2021.

NOW FURTHER BE IT RESOLVED, funds in an amount not to exceed \$5,167.11 will be allocated from the 2021 Operating Budget.

Caroline Benson, Treasurer

The Borough Clerk read the following resolution:

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

RESOLUTION 237-2020

CERTIFICATION OF THE ANNUAL AUDIT FOR 2019

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 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to 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 attached hereto; 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 imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Committee 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 238-2020

AUTHORIZING APPLICATION FOR LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM FOR VARIOUS SANITARY SEWER MAIN IMPROVEMENTS PHASE II GREENBROOK ROAD AND LOUIS AVENUE PUMP STATIONS REPLACEMENT PROJECT

WHEREAS, the Borough of Middlesex has filed or is about to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust Fund Loan Program for the Various Sanitary Sewer Main Improvements Phase II Greenbrook Road and Louis Avenue Pump Stations Replacement project; and

WHEREAS, Remington & Vernick Engineers, the Borough's Consultant Engineer, has been engaged to prosecute the said applications on behalf of the Borough; and

WHEREAS, the Mayor and Council wish to formally confirm the authority of Marcia Karrow, Borough Administrator to represent the Borough for the said purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that Marcia A. Karrow, Borough Administrator of the Borough of Middlesex is designated agent of the Borough of Middlesex for the purpose of prosecuting the Borough's applications for funds under the New Jersey Environmental Infrastructure Trust Fund Loan Program Application; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded with said application to the New Jersey Department of Environmental Protection for their review and final action.

The Borough Clerk read the following resolution:

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

RESOLUTION 239-2020

**AUTHORIZING APPLICATION FOR LOAN FROM THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE FINANCING PROGRAM FOR VARIOUS SANITARY SEWER MAIN
IMPROVEMENTS PHASE IV PISCATAWAY METERING STATION REPLACEMENT
PROJECT**

WHEREAS, the Borough of Middlesex has filed or is about to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust Fund Loan Program for the Various Sanitary Sewer Main Improvements Phase IV Piscataway Metering Station Replacement Project; and

WHEREAS, Remington & Vernick Engineers, the Borough's Consultant Engineer, has been engaged to prosecute the said applications on behalf of the Borough; and

WHEREAS, the Mayor and Council wish to formally confirm the authority of Marcia Karrow, Borough Administrator to represent the Borough for the said purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that Marcia A. Karrow, Borough Administrator of the Borough of Middlesex is designated agent of the Borough of Middlesex for the purpose of prosecuting the Borough's applications for funds under the New Jersey Environmental Infrastructure Trust Fund Loan Program Application; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded with said application to the New Jersey Department of Environmental Protection for their review and final action.

The Borough Clerk read the following resolution:

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

RESOLUTION 240-2020

**REQUIRING ALL SPORTS ORGANIZATIONS THAT UTILIZE BOROUGH FIELDS OR
PARKS FOR MORE THAN ONE DAY, WEEKENDS OR FOR THE LENGTH OF THE
SEASON TO PROVIDE A PORTABLE RESTROOM FACILITY FOR THEIR
PARTICIPANTS AND SPECTATORS - *Item Removed from Consent***

WHEREAS, due to the COVID-19 pandemic the borough's public restrooms in the park remain closed, and extensive sanitation measures are required; and

WHEREAS, the Recreation Director is recommending that any sports organization that is utilizing Borough Fields or parks for more than one day/weekends or for the length of the season must provide a portable restroom facility for participants and spectators; and

WHEREAS, a lock may be utilized to prevent use by those outside the organization on non-permitted days; and

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

1. At the recommendation of the Recreation Director, the Governing Body hereby require all sports organizations that utilize borough fields or parks for more than one day/weekends or for the length of the season to provide a portable restroom facility for participants and spectators.
2. This resolution shall take effect immediately.

RESULT:	TABLED BY CONSENT VOTE [UNANIMOUS]	Next: 10/27/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	James Eodice, Councilman	
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex	

The Borough Clerk read the following resolution:

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

RESOLUTION 241-2020

HIRING OF RICHARD CHASE AND VINCENT MARTIN 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 OCTOBER 19, 2020

The Governing Body hereby hires Richard Chase of Middlesex, NJ and Vincent Martin of Green Brook, 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 October 19, 2020.

The Borough Clerk read the following resolution:

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

RESOLUTION 242-2020

APPROVAL OF THE CORRECTIVE ACTION PLAN ON THE 2019 AUDIT

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2019 Audit, according to Local Finance Board Directive 92-15.

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 243-2020

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:	James Eodice, Councilman
AYES:	Mikolajczyk, Carnes, Carr, Eodice, Flood, Rex

AGENDA WORKSHOP ITEM

1. Halloween

Halloween - Council recommended that residents follow the Department of Health guidelines that will be posted on the borough website, trick or treat no later than 8PM, and if possible residents that are participating should keep their front light on, and if you choose not to participate, please keep your door closed and light off.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Mayor Madden opened the public portion of the meeting to discuss Agenda Workshop items. Seeing that there were no public comments on the Agenda Workshop item, Mayor Madden closed the public portion of the meeting on the Agenda Workshop Items.

ADJOURNMENT

The next Regular Meeting will be October 27, 2020

Respectfully yours,

Borough Clerk