



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 27, 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

Mayor Madden asked for a moment of silence in observance of the passing of Tom Moskal of the Borough Department of Public Works.

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:

Bond Counsel Walrath and Labor Attorney Glickman were also in attendance.

PRESENTATIONS

1. Bond Counsel Chris Walrath - Claremont Financial Agreement

Attorney Walrath discussed the execution of the Financial Agreement and long-term bond for CP Middlesex Urban Renewal LLC - Claremont, who is doing redevelopment in the Lincoln Boulevard Redevelopment area. They intend to create a 380,000 Square Foot warehouse with office space and have also requested to seek a 30 year tax abatement for their project.

The ordinance, along with approval of the financial agreement will be introduced tonight. This tax abatement for a 30 year term will have the developer paying \$1.36 SF, which equates to approximately \$515,000, plus the 2% administrative fee in the first year, and escalates to approximately \$900,000 in year 30. The borough is responsible to pay Middlesex County 5%. (approximately \$20,000 - \$25,000 in

the first year), and will get credit for the deduction for the land taxes. There is also an annual increase every year of 1 - 3%.

Attorney Walrath felt that the borough is entering into a "very good deal" with Claremont, as Claremont has already invested in a multi-million dollar environmental cleanup at this site.

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 2011-20 by title:

ORDINANCE 2011-20

**ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX,
NEW JERSEY APPROVING THE APPLICATION OF AND THE EXECUTION OF
FINANCIAL AGREEMENT WITH CP MIDDLESEX URBAN RENEWAL LLC IN
CONNECTION WITH THE UNDERTAKING OF A REDEVELOPMENT PROJECT BY CP
MIDDLESEX URBAN RENEWAL LLC**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Act**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "**Borough**") has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, on July 25, 2006, pursuant to Resolution 179-06, the Borough Council of the Borough (the "**Borough Council**") designated certain property (the "**Property**") as an Area in Need of Rehabilitation in accordance with the Redevelopment Law and directed that a redevelopment plan be prepared; and

WHEREAS, on September 18, 2007, in accordance with all applicable provisions of the Redevelopment Law, the Borough Council duly adopted the Lincoln Boulevard Redevelopment Plan (the "**Redevelopment Plan**") ; and

WHEREAS, the Redevelopment Plan was subsequently amended on August 9, 2011, pursuant to Ordinance No. 1798-11; and

WHEREAS, on December 17, 2013, pursuant to Resolution 324-13, the Borough Council directed the Planning Board to further study the Property in order to determine whether it qualified as a non-condemnation area in need of redevelopment ("**Non-Condensation Redevelopment Area**") and, after multiple public hearings, the Planning Board recommended that the Property be designated as a Non-Condensation

Redevelopment Area and the Borough Council accepted the Planning Board's recommendation and, on June 12, 2014, adopted Resolution 158-14, designating the Property, as set forth in the Redevelopment Plan, as a Non-Condensation Redevelopment Area, pursuant to the Redevelopment Law; and

WHEREAS, the Redevelopment Plan was subsequently amended on December 27, 2016, pursuant to Ordinance 1903-16; on December 12, 2017, pursuant to Ordinance No. 1929-17; on March 12, 2019, pursuant to Ordinance No. 1955-19; on January 28, 2020, pursuant to Ordinance No. 1989-20 and on June 23, 2020, pursuant to Ordinance No. 2001-20; and

WHEREAS, CP Middlesex Urban Renewal LLC, a New Jersey limited liability company (the "**Redeveloper**"), has proposed to undertake a redevelopment project in the Non-Condensation Redevelopment Area, specifically at 245 Mountain Avenue, Middlesex, New Jersey 08846 and shown as Block 318, Lots 1.01, 4.02 (currently known as Block 371, Lot 4.02), 19, 21, 38.01 and 48 on the Borough of Middlesex Tax Map (the "**CP Middlesex Project Property**"), in accordance with the Redevelopment Plan, consisting of the construction of an approximately 380,000 square foot warehouse building with approximately 14,500 square feet of office space, together with car and trailer parking, and the construction of utilities, driveways, parking, loading, street lighting, and landscaping on the CP Middlesex Project Property and other on- and off-site improvements in accordance with the requirements of the Redevelopment Plan (the "**Redevelopment Project**"); and

WHEREAS, the Borough has deemed the Redeveloper to be qualified to own and operate and complete construction of the Redevelopment Project; and

WHEREAS, the Borough and the Redeveloper will enter into a redevelopment agreement setting forth, among other things, the obligations of the Redeveloper with respect to the Redevelopment Project; and

WHEREAS, the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the "**Long Term Tax Exemption Law**") authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper and each subsequent owner of the Redevelopment Project (the "**Owner**") to the Borough; and

WHEREAS, the Owner shall make payment of an annual service charge (the "**Annual Service Charge**") to the Borough, which the Borough may use to pay, among other things, Borough costs; and

WHEREAS, in connection with the Redevelopment Project, the Redeveloper filed an application (the "**Application**"), with the Mayor of the Borough for approval of a long term tax exemption for the Redevelopment Project; and

WHEREAS, in order to satisfy the requirements of the Long Term Tax Exemption Law and to set forth the terms and conditions under which the Borough and the Redeveloper shall carry out their respective obligations with respect to the payment of the Annual Service Charge by the Owner, in lieu of real property taxes on the Redevelopment Project improvements, the Borough and the Redeveloper have determined to execute a financial agreement (the "**Financial Agreement**"), substantially in the form of which is attached

hereto as Exhibit A; and

WHEREAS, the Mayor, together with counsel for the Borough, has reviewed the Application and found that it complies with the provisions of the Long Term Tax Exemption Law; and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Borough Council with his recommendation for approval, and copies of each are on file with the Borough Clerk; and

WHEREAS, the Borough Council hereby finds that the relevant benefits of Redevelopment Project outweigh the loss, if any, of property tax revenue in granting the long term tax exemption requested in the Application; and

WHEREAS, the Borough Council further finds that the assistance provided to the Redevelopment Project pursuant to the Financial Agreement will be a significant inducement for the Redeveloper to proceed with the Redevelopment Project.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex as follows:

Section 1. The Application and form of Financial Agreement are hereby approved.

Section 2. The Mayor is hereby authorized and directed to execute the Financial Agreement with the Redeveloper in substantially the same form attached hereto as Exhibit A, subject to modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 3. The Clerk of the Borough is hereby authorized and directed, upon the execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough thereon.

Section 4. Executed copies of the Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough, and County Counsel and the Chief Financial Officer of Middlesex County within 10 days of the execution of the Financial Agreement.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with law.

EXHIBIT A

Financial Agreement

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/24/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	James Eodice, Councilman	
AYES:	Mikolajczyk, Carnes, Eodice, Flood, Rex	
ABSENT:	Carr	

The Borough Clerk read ordinance 2012-20 by title:

ORDINANCE 2012-20

AN ORDINANCE AMENDING CHAPTER 317 ENTITLED "PROPERTY MAINTENANCE" SECTIONS 317-14 TO ADOPT A MUNICIPAL REMEDY PROVISION PERMITTING THE BOROUGH TO REDRESS PROPERTY MAINTENANCE VIOLATIONS BY COUNCIL RESOLUTION AFTER NOTICE AND HEARING

WHEREAS, it is the desire of the Borough Council of the Borough of Middlesex to amend and revise the Borough's current ordinance for remediation of property maintenance violations; and

WHEREAS, it is the Borough Council's specific intention to amend Chapter 317 to include an additional remedy whereby the Borough, itself, may authorize the removal or compliance after the owner or tenant has been duly noticed and provided the opportunity to be heard in accordance with due process principles; 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 317 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey be and is hereby amended as follows:

Section I

Chapter 317, Section 317-14 is hereby amended as follows (bold and underlined text is to be added while strikethrough text is to be removed):

Noncompliance; municipal civil remedy; service of notice; public hearing; charge to become lien; <<https://ecode360.com/10336129>>

In accordance with N.J.S.A. 40:48-2.13, when any owner or tenant of lands ~~who~~ has neglected or refused to remove or destroy brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris after having been duly noticed to remove same, within the manner and time provided, **the Borough, itself, as an additional remedy, may see to removal or compliance by utilizing the procedures set forth herein.** ~~shall be charged for the removal or destruction of same by the Borough, which at its option may remove or destroy the violation in order to preserve the health, safety and general welfare or to eliminate a fire hazard and said charge shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and~~

~~levied upon such lands. Such a lien shall bear interest at the same rate as the taxes and shall be collected and enforced by the Tax Collector.~~

- A. If such removal or compliance does not occur because the owner or tenant has refused or neglected or otherwise determined not to remove or comply, despite the notice of violation as set forth in § 317-13, the Borough may proceed to remediate the condition itself and authorize the investigating Borough official to effect removal or compliance subject to the due process procedure delineated herein.
- B. The property owner or tenant shall be entitled to a hearing before the Borough Council. Service, duly noticed, of this hearing shall be made upon such owner, lessor or its agent by the Borough. This service of notice, provided to the owner, lessor, and adjacent property owners/tenants or their authorized agent, shall state the remediation action which may be taken by the Borough Council at that meeting. The notice shall also include a Notice of Lien indicating the cost to be incurred by the Borough to fully remediate the violation with said cost to be charged against the dwelling or lands.
- C. In the event of an inability to serve the owner, lessor or agent, after reasonable effort, pursuant to N.J.S.A. 40:48-2.12, sufficient notice shall be deemed to have been given if such notice is posted on the premises in a conspicuous place.
- D. Within 30 days of receipt of this service of notice or any extension of time granted thereto by the Borough Council, a public hearing shall be held by the Borough Council, at which time, after the presentation of evidence by the appropriate Borough official and the property owner/tenant, it may, if the evidence warrants it, adopt a resolution authorizing the remediation of the condition.
- E. Pursuant to resolution, a lien shall be added to and become and form part of the taxes next to be assessed and levied upon such lands. Such a lien shall bear interest at the same rate as the taxes and shall be collected and enforced by the Tax Collector.

Section II

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

Section III

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

Section IV

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/24/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	James Eodice, Councilman	
AYES:	Mikolajczyk, Carnes, Eodice, Flood, Rex	
ABSENT:	Carr	

The Borough Clerk read ordinance 2013-20 by title:

ORDINANCE 2013-20**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. The term "applicant shall not include members of a bona fide nonprofit political, charitable, or religious organization

MERCHANDISE <<https://ecode360.com/9053968>> - 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. For the purposes of this ordinance, "peddler" shall also mean "transient merchant," "itinerant vendor," "itinerant merchant," "hawker," "distributor" or "solicitor."

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

~~SOLICITOR - A person selling goods or services by sample or taking orders for future delivery, with or without accepting an advance payment for the goods, or a person seeking contributions for any purpose whatsoever and classified as follows:~~

~~- SOLICITOR A - A person selling goods by sample or taking orders for future delivery with or without accepting an advance payment for the goods.~~

~~- SOLICITOR B - A person soliciting for the contraction of services, such as dry cleaning and so forth.~~

~~- SOLICITOR C - A person seeking any form of contribution for other than religious, charitable or nonprofit organizations.~~

~~- SOLICITOR D - A person seeking any form of contribution for a religious, charitable or nonprofit corporation.~~

~~E. SOLICITOR E - A person who, whether a resident of the Borough or not, engages in a temporary business within the Borough of selling and delivering goods, wares, merchandise and/or services within the Borough and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad, boxcar or boat, public room in a hotel, lodging house, apartment or shop, parking lot, sidewalk, street, alley, public right-of-way or other place within the Borough for the exhibition and sale of such goods, wares and merchandise, either privately or through public sale and/or auction. Seasonal businesses, such as the sale of ice cream, soda, etc., by truck traveling throughout the Borough and not remaining at a stationary location, and businesses of a permanent nature, such as the sale of food items, business supplies and other items by motor vehicle to industries and businesses in the Borough, are not included under this category. Also, flea markets, carnivals and other activities of a similar nature which are sponsored by nonprofit organizations are not included under this category.~~

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:

- . That of going in and upon private residences by peddlers, ~~canvassers, solicitors and transient vendors of merchandise,~~ (as herein defined) 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.
- ~~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 peddler, hawker or solicitor **person to engage in peddling, soliciting or canvassing** to sell or dispose of or to offer to sell or dispose of or solicit any wares, goods, merchandise or services 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 hereinafter described **in compliance with the provisions of this Chapter**. ~~The provisions of this chapter shall not apply to 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.~~ **(Note: previous sentence moved into next section below).** 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. 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-~~12~~ 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. Within five working days after the applicant completes the application as set forth in § 309-6 hereof,~~ **Once the necessary approvals have been met,** the Borough Clerk shall issue the applicant a license to conduct the regulated activity unless:

~~A.~~ **(1)** The applicant has been convicted of a felony within the previous five years;

~~B.~~ **(2)** The applicant has been convicted of violating an ordinance pertaining to canvassing or soliciting; or

~~C.~~ **(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. Recording and reporting licenses. ~~[Amended 5-24-1983 by Ord. No. 972]~~

~~— The Borough Clerk shall keep all necessary books for recording the time any application for license is received, whether new or renewal, name of licensee, regular number of blank form, the date and amount of the fees deposited with the Borough Clerk, when the application was approved and the time when the license was issued.~~

~~— The Borough Clerk shall, monthly, file a report with the Borough Council showing the number of licenses granted by classes and the amount of fees received therefor. Each report shall state the number of licenses suspended or revoked and the reasons for such suspensions or revocations. The monthly report shall be cumulative during the course of the year so that each report summarizes the action of all preceding months of the current year.~~

~~§ 309-10. License in possession.~~ (Note: moved and incorporated into to next section below)

~~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. He must produce the license at the request of any Borough resident or any official of the Borough of Middlesex. 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.~~

§ 309-~~11~~ 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.

~~A. 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.**

~~B. 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.

~~C. E.~~ No person shall make any fraudulent, misleading or incorrect statement in the course of conducting a regulated activity.

~~D. 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.

§ 309-12 10. Fee schedule and bond required.

A. The fee schedule shall be as follows:

~~() Peddlers and solicitors: \$1 for issuance of each license.~~

~~() Peddler's license fees.~~

Type	Fee
Pies, cakes and bread <u>[Amended 10-12-2010 by Ord. No. 1782]</u>	\$75
Fruit <u>[Amended 10-12-2010 by Ord. No. 1782]</u>	\$75
Ice cream <u>[Amended 10-12-2010 by Ord. No. 1782]</u>	\$100
Sandwiches <u>[Amended 10-12-2010 by Ord. No. 1782]</u>	\$215
Household articles or furnishings	\$50
Peddles not covered by the above classifications	\$50

~~(3) Solicitor's license fees. [Amended 5-24-1983 by Ord. No. 972; 8-13-1991 by Ord. No. 1206]~~

Type	Fee
Solicitor A <u>[Amended 10-12-2010 by Ord. No. 1782]</u>	\$125
Solicitor B	\$75
Solicitor C	\$75
Solicitor D <u>[Amended 1-28-1992 by Ord. No. 1229; 10-12-2010 by Ord. No. 1782]</u>	\$20
Solicitor E <u>[Amended 10-12-2010 by</u>	\$400

Ord. No. 1782]

- ~~() A person who engages in a temporary business of selling food in those areas of the Borough south of the Conrail railroad tracks shall be excluded from the definition of "Solicitor E."~~
- ~~() Also, flea markets, carnivals and other activities of a similar nature which are sponsored by local nonprofit organizations are not included under this category.~~
- ~~(c) All licenses issued to Type E solicitors shall be valid only for a two-day period. Each additional two-day period shall be the subject of a separate license. No applicant shall be issued more than four licenses in any one calendar year.~~
- ~~B. All licenses shall terminate at the close of December 31 of the year in which they are issued.~~

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.

§ 309-13 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.

.Written notice of Aan 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.**

.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.

.Any permit may be renewed upon payment of a permit fee and upon submission of a new application in conformity with this chapter.

§ 309-14 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.

§ 309-15 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.

§ 309-16 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.

§ 309-17 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.

§ 309-18-16. 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.

§ 309-19-17. Enforcement.

It shall be the duty of all police officers of the Borough, ~~as well as of the Zoning Officer, the Code Enforcement Officer, the Health Officer and/or the Borough Sanitarian,~~ **or any other employee/officer designated by the Borough Administrator** to enforce the provisions of this chapter.

This ordinance shall take effect January 1, 2021.

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/24/2020 7:00 PM
MOVER:	Jack Mikolajczyk, Council President	
SECONDER:	Douglas Rex, Councilman	
AYES:	Mikolajczyk, Carnes, Eodice, Flood, Rex	
ABSENT:	Carr	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2009-20. Seeing that there were no comments from the public, Mayor Madden closed the Public Hearing on Ordinance No. 2009-20.

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

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.

BC. 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.

Mayor Madden opened the Public Hearing on Ordinance No. 2010-20.

Jonathon Finley, 311 Cedar Grove Lane, Somerset, NJ questions how this change differs from the present ordinance.

Attorney Glickman responded to Mr. Finley's question.

Seeing that there were no comments from the public, Mayor Madden closed the Public Hearing on Ordinance No. 2010-20.

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

ADOPTION OF MINUTES

1. Approval of the October 13, 2020 Regular & Executive Session Meeting Minutes

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

MAYOR'S REPORT

Mayor Madden had no report.

COUNCIL MEMBER REPORTS

Council President Mikolajczyk

No Report was given.

Councilman Carnes

Councilman Carnes asks that everyone sends their regards to the family of the recently passed DPW employee.

The Councilman also expressed his excitement on the progress of the Culture & Heritage Committee, stating that it is has been a group effort and is moving along nicely.

Councilman Carnes also expressed his appreciation for all the work that is done by the Borough Clerk, Linda Chismar.

Councilman Carr

Councilman Carr was absent.

Councilman Eodice

Councilman Eodice attended the October 19th Board of Fire Officers meeting.

Councilwoman Flood

Councilwoman Flood attended the Board of Education meeting on October 26th. During the meeting they recognized those whom have been employed with the schools for 25 years or more. Councilwoman Flood also asked everyone to express their congratulations to Helen, who has 48 years of service, and has been employed with the district the longest amount of time.

Councilwoman Flood also mentioned a meeting was held by the Board of Education and the Council.

Councilman Rex

No Report was given.

ADMINISTRATOR'S REPORT**Administrator's Report
October 27, 2020**

*Items with asterices * 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 - Holding Performance Bond until completion of work****vi. Miscellaneous**

- i. *Dredging of Lake/Mosquito Control Commission
- ii. Eagle scout project - dog park
- iii. Presentations at Upcoming Meetings
- iv. *School District Shared Services
- v. Sewer Ordinance
- vi. *FEMA Hazardous Mitigation Plan
- vii. *Property maintenance ordinance
- viii. *CO inspection for illegal discharge into sewer system ordinance - Intro 11/10 Mtg.
- ix. *OEM Membership - Ordinance Intro 11/10 Mtg.
- x. *Stop Intersection at Dayton and Woodrow - Ordinance Intro 11/10 Mtg.
- xi. *November meetings - Consensus of Council to add 11/10 Mtg.
- xii. *Extension of Outdoor Dining Permit from ABC - Will discuss 11/10 Mtg.

PRIVILEGE OF THE FLOOR

John Ellery spoke regarding the sewer issues in the borough, and also flooding and infrastructure issues. Mr. Ellery suggested that the governing body contact Rich Malt of Pumping Services to discuss the sewer system concerns within the borough.

Also, regarding the extension of outdoor dining, Mr. Ellery requested that the Building Officials work with him on his plans for outdoor dining renovations, so that there are no delays, and his business can survive.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Councilman
AYES:	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 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, at the discretion of the Recreation Director as part of the permit requirements the borough can require that any sports organizations or groups that are utilizing Borough Fields or parks for one day or more, weekends or for the length of the season to provide a portable restroom facility for their participants and spectators; and

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

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

1. The Governing hereby approves that at the discretion of the Recreation Director as part of the permit requirements, the borough can require all sports organizations or groups that are utilizing borough fields or parks for one day or more, weekends or for the length of the season to provide a portable restroom facility for their participants and spectators.
2. This resolution shall take effect immediately and shall remain in effect until December 31, 2021.

RESULT:	ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	James Eodice, Douglas Rex
AYES:	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 244-2020

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the September, 2020 Police Department Report
2. Approval of the September, 2020 Chief's Report
3. Acceptance of the October, 2020 BOFO Report - Jesus Colon & Jonathan Poltorak have resigned from the Middlesex Fire Department.

The Borough Clerk read the following resolution:

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

RESOLUTION 245-2020

**APPROVAL OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE OCTOBER 1, 2020 - JUNE 30, 2021**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Middlesex 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 therefore has an established Municipal Alliance Committee; and

WHEREAS, the Middlesex 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 Middlesex 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 Middlesex Borough Council does hereby authorize acceptance of funding for a strategic plan for the Middlesex Borough Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$6,078.00
Cash Match	\$1,519.50
In-Kind	\$4,558.50

2. The Middlesex 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 246-2020

**REIMBURSEMENT OF DOG LICENSE FEE IN THE AMOUNT OF \$10.00 TO LISA STAIB,
426 ASHLAND ROAD, MIDDLESEX, NJ**

The Governing Body hereby approves the reimbursement fee for a Dog License to Ms. Lisa Staib, 426 Ashland Road, Middlesex, New Jersey in the amount of \$10.00.

The Borough Clerk read the following resolution:

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

RESOLUTION 247-2020

**APPROVAL TO ADVANCE PATROLMAN JAMIE MARCZAK TO PATROLMAN CLASS
"A" AT AN ANNUAL SALARY OF \$114,364 EFFECTIVE NOVEMBER 19, 2020**

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

WHEREAS, On October 20, 2020 Chief Geist recommended Police Officer Jamie Marczak be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Jamie Marczak be and is hereby advanced in grade to Patrolman Class "A" effective November 19, 2020 at an annual salary of \$114,364.

The Borough Clerk read the following resolution:

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

RESOLUTION 248-2020

**AUTHORIZING THE MAYOR AND COUNCIL TO APPROVE THE PURCHASE OF SIX IN
CAR VIDEO SYSTEMS FROM COBAN TECHNOLOGIES, INC. IN THE AMOUNT OF
\$28,417.26**

WHEREAS, the Borough of Middlesex wishes to purchase In Car Video Systems for six (6) Police Department vehicles from an authorized vendor under three State of New Jersey Cooperative Purchasing Programs (17-FLEET-00731); and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, COBAN Technologies, Inc., Contract #17-FLEET-00731 is an authorized dealer of under the State of Jersey Cooperative Purchasing Program (T-0106); and,

WHEREAS, the actual cost for the purchase of six (6) In Car Video Systems is expected not to exceed \$28,417.26; and,

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

are hereby authorized to purchase six (6) In Car Video Systems from COBAN Technologies, Inc.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the 2020 Capital Budget, account number C-04-20-002-000-071 in the amount of \$28,417.26.

The Borough Clerk read the following resolution:

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

RESOLUTION 249-2020

AUTHORIZING THE MAYOR AND COUNCIL TO APPROVE THE PURCHASE OF SIX 2020 FORD POLICE INTERCEPTOR UTILITY EQUIPMENT FROM ISLAND TECH SERVICES IN THE AMOUNT OF \$90,741.11 - *Item Removed from Consent*

WHEREAS, the Borough of Middlesex wishes to purchase 2020 Ford Police Interceptor Utility equipment for six (6) Police Department vehicles from an authorized vendor under three State of New Jersey Cooperative Purchasing Programs (17-FLEET-00739, 17-FLEET-00792, 17-FLEET-00744); and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, Island Tech Services, Contract #17-FLEET-00739, 17-FLEET-00792, 17-FLEET-00744 is an authorized dealer of under the State of Jersey Cooperative Purchasing Program (T-0106); and,

WHEREAS, the actual cost for the purchase of the 2020 Ford Police Interceptor Utility equipment is expected not to exceed \$90,741.11; and,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase 2020 Ford Police Interceptor Utility equipment from Island Tech Services.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the 2020 Capital Budget, account number C-04-20-002-000-071 in the amount of \$90,741.11.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council President
SECONDER:	Douglas Rex, Councilman
AYES:	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 250-2020

AUTHORIZING THE MAYOR AND COUNCIL TO APPROVE THE PURCHASE OF SIX PANASONIC TOUGHBOOKS AND MOUNTING PACKAGES FROM ISLAND TECH SERVICES, INC. IN THE AMOUNT OF \$31,203.12

WHEREAS, the Borough of Middlesex wishes to purchase six (6) Panasonic Toughbooks and mounting packages for Police Department vehicles from an authorized vendor under three State of New Jersey Cooperative Purchasing Programs (17-FLEET-00744 and A89980); and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, Island Tech Services, Inc., Contract #17-FLEET-00731 and Contract #A89980 is an authorized dealer of under the State of Jersey Cooperative Purchasing Program (T-0106); and,

WHEREAS, the actual cost for the purchase of six (6) Panasonic Toughbooks and mounting packages is expected not to exceed \$31,203.12; and,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase six (6) Panasonic Toughbooks and mounting packages from Island Tech Services.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the 2020 Capital Budget, account number C-04-20-002-000-071 in the amount of \$31,203.12.

The Borough Clerk read the following resolution:

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

RESOLUTION 251-2020

AWARDING THE ARCHITECTURAL SERVICES FOR THE REDESIGNING/ RENOVATION OF BOROUGH HALL AND DESIGNING OF PROPOSED NEW MULTI-PURPOSE FACILITY TO PS&S IN AN AMOUNT NOT TO EXCEED \$100,000.00

WHEREAS, the Borough of Middlesex solicited a request for proposal for Architectural Services for the Redesigning/Renovation of Borough Hall and Designing of Proposed New Multi-Purpose Facility through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, twenty (20) proposals were received on October 20, 2020; and

WHEREAS, based on an evaluation criteria, cost and other factors included, the Borough Administrator along with the Purchasing Agent recommend awarding the contract to PS&S,

3 Mountainview Road, Warren, NJ;

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

1. At the recommendation of the Borough Administrator and the Purchasing Agent, the Mayor and Council hereby award the bid for Architectural Services for the Redesigning/Renovation of Borough Hall and Designing of Proposed New Multi-Purpose Facility to PS&S in an amount not to exceed \$100,000.00.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the 2020 Capital Budget, account number C-04-20-002-000-097.

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 252-2020

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:	Mikolajczyk, Carnes, Eodice, Flood, Rex
ABSENT:	Carr

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

ADJOURNMENT

The next Regular Meeting will be November 24, 2020

Respectfully yours,

Borough Clerk