



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

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Middlesex, NJ

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

Tuesday, February 23, 2021

7:00 PM

Remote

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 James Eodice
Councilman Jeremiah Carnes
Councilwoman Amy Flood
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Also Present:

Marcia Karrow Administrator

Others Absent:

Christopher Corsini Borough Attorney

Attorney Matthew Flynn replaced Borough Attorney Corsini at the Meeting.

PRESENTATIONS

1. Maser Engineering - Streetscape Project

This presentation was rescheduled for the March 9, 2021 Regular Meeting.

APPOINTMENTS

1. Appointment of Sherley Penrose to the Cultural & Heritage Committee for a 2 yr. Term

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

2. Appointment of James Johansen to the Cultural & Heritage Committee for a 3 yr. Term

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

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 2023-21 by title:

ORDINANCE 2023-21

AN ORDINANCE REPEALING AND REPLACING CHAPTER 158 (CERTIFICATES, RESALE/LEASED) IN THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SO AS TO CLARIFY THE PROCEDURE FOR APPLICATION, REVIEW, AND INSPECTIONS REQUIRED FOR THE PERMITTING OF COMMERCIAL AND RESIDENTIAL SALES AND LEASING.

WHEREAS, the existing Chapter 158- Certificates, Resale/Leased of the Municipal Code of the Borough of Middlesex currently covers the sale or lease of commercial property, as well as the sale, re-rent, re-lease, or change of occupancy of a residential property; and

WHEREAS, a certificate and zoning permit must be issued upon any sale or lease of commercial property to ensure compliance with the zoning scheme and code of the Borough of Middlesex; and

WHEREAS, a compliance certificate and re-sale/lease certificate must be issued before any occupancy of residential property to ensure compliance with safety regulations relating to fire and carbon monoxide, as well as ensure compliance with the code of the Borough of Middlesex; and

WHEREAS, the existing Chapter 158 does not address certain necessary safety, zoning, and compliance procedures and must be modernized to comply with all applicable Federal and State statutes and regulations; and

WHEREAS, the Borough Council of the Borough of Middlesex seeks to establish a clear and concise procedure for the application, review, and inspections required for the permitting of commercial and residential sales and leasing;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey, that Chapter 158 of the Municipal Code thereof is hereby repealed and replaced as follows:

SECTION I.

Article I of Chapter 158 of the Municipal Code of the Borough of Middlesex shall hereby be entitled "Sale or Lease of Commercial Property."

SECTION II.

Article II of Chapter 158 of the Municipal Code of the Borough of Middlesex shall hereby be entitled "Sale or re-rent, re-lease, or change of occupancy of residential property."

SECTION III.

The current Chapter 158, currently Sections 158-1 through 158-22 consisting of three separate Articles, is repealed and replaced by new Chapter 158, Sections 158-1 through 158-15 consisting of two separate Articles as outlined in Sections I and II of this resolution, and shall be caused to appear in the Borough's Code as follows (struck through portions are to be removed; other portions are to be added):

Article I

Sale or Lease of Commercial Property.

§ 158-1 Certificate required for the sale of, or change of tenant in, commercial, industrial or business property.

Each time there is a sale of, or change of tenant in, any commercial, industrial, or business property, or unit therein, leased within the Borough of Middlesex, each property seller or new lessee of such property or unit must obtain from the Zoning and Construction Office of the Borough of Middlesex at least 10 days prior to but not more than 30 days prior to the change of ownership and/or occupancy a:

- a. Continued Commercial Occupancy Certificate (hereinafter "CCOC");
- b. Tenancy Review and Zoning Permit (hereinafter "Tenancy Review/Zoning Permit" or "Permit") certifying that the intended use or continued use is a permitted use in the zone in which the property is located.

Additionally, each property seller or new lessee must submit:

- c. An Affidavit stating that there have been no structural, electric, plumbing, or fire protection/prevention changes made that required UCC permitting, inspections, and

approvals;

- d. An Affidavit along with required documentation that the property is in compliance with Borough Chapter 224 - Flood Damage Prevention.

§ 158-2 Applications for a CCOC and Tenancy Review/Zoning Permit.

Applications for a CCOC and Tenancy Review/Zoning Permit, and affidavits as detailed in Sections 158-1(c) and (d), shall be submitted to the Zoning and Construction Office of the Borough of Middlesex. When the completed applications and affidavits have been received, reviewed, and once the required inspections are completed, the CCOC and Tenancy Review/Zoning Permit shall be issued or denied.

§ 158-3 Inspection of premises.

Before a CCOC shall be issued, the designated inspector(s) shall make an inspection of the premises to ensure the property is in compliance with all provisions of the Borough Code and no violations exist, including, but not limited to: Property Maintenance, within Chapter 317 as it presently exists; and the Uniform Construction Code and fire codes as they existed when the building was initially constructed. All violations cited must be abated prior to the issuance of a CCOC.

§ 158-4 Affidavit describing intended use of property and operation to be conducted thereon.

Applications for a Tenancy Review/Zoning Permit shall contain an affidavit from the applicant as to the intended use of the property or unit and a detailed description of the intended operation to be conducted thereon. Applications for a Permit shall be submitted to the Zoning and Construction Office of the Borough of Middlesex, and, once the application has been deemed complete, it will be reviewed by the Zoning Official for compliance with the Borough of Middlesex's Code. The Zoning Official will either issue an approved zoning permit or a denial. Denials will indicate the reason for the denial and inform the applicant of their rights should the applicant desire to apply before the Borough Joint Land Use Board.

§ 158-5 Information required for emergencies; notification of changes.

All applications for a Tenancy Review/ Zoning Permit shall contain the name, address and phone number of the person to contact in case of an emergency and said person must be available and able to act in an emergency. A copy of this information shall be filed in the office of the Chief of Police of the Borough of Middlesex. The lessee shall be responsible for notifying the Chief of Police any time there is a change in any emergency information required by this article during the term of their tenancy.

§ 158-6 Fee.

The fees associated with a sale of, or change of tenant in any commercial, industrial or

business property are as follows:

- a. \$300 for a CCOC; and
- b. \$100 for a Permit.

The fee for a CCOC is waived for undeveloped properties.

§ 158-7 Failure to obtain certificate; fine.

No commercial, industrial, or business operation may operate or continue to operate unless all fees are paid, violations abated, and all applicable federal, state, and local permits, licenses, and inspections are completed and issued. In the event that a new lessee of any commercial, industrial, or business property in the Borough of Middlesex fails to obtain any of the required permits, licenses, or inspections, the lessee or property owner shall be subject to a fine of \$500 per day and shall cease all business activities in the leased property until such time as the required certificates are obtained.

Article II

Sale or re-rent, re-lease, or change of occupancy of residential property.

§ 158-8 Certificates required for the sale or re-rent, re-lease, or change of occupancy of residential property.

No single-family, two-family, or multi-family residence, dwelling unit, or apartment shall be sold rented or occupied unless and until the issuance of a:

- a. Sale/Re-Rent Certificate;
- b. Smoke Detector, Carbon Monoxide Detector, and Fire Extinguisher Compliance Certificate (SDCMFE Compliance Certificate) in accordance with N.J.A.C. 5:70-2.3.

Additionally, each property seeking a Sale/Re-Rent Certificate for the purposes of a sale will be subject to a Flood Hazard Review as detailed in Chapter 224 - Flood Damage Prevention.

§ 158-9 Applications for a Sale/Re-Rent Certificate and SDCMFE Compliance Certificate.

Applications for a Sale/Re-Rent Certificate and SDCMFE Compliance Certificate shall be submitted to the Zoning and Construction Office of the Borough of Middlesex, and, once the completed application has been received and the required review and inspections are completed, the Sale/Re-Rent Certificate and SDCMFE Compliance Certificate shall be issued or denied.

§ 158-10 Conditions for Issuance/Denial; Inspection; Fees.

- a. Each time there is a transfer of ownership or re-rent, re-lease, or change of occupancy of single-family, two-family or multi-family residences, dwelling units, or apartments within the Borough of Middlesex, the owner of such property must:
 - i. Pass a pre-occupancy inspection to ensure the unit is in compliance with all provisions of the Borough Code, including, but not limited to, Chapter 317-Property Maintenance as it presently exists, and the Uniform Construction Code and fire codes as they existed when the building was initially constructed.
 - ii. Pass a Smoke Detector, Carbon Monoxide Detector, and Fire Extinguisher Compliance inspection conducted by the Middlesex County Fire Marshal or his designee. The application form must be obtained from the Borough Zoning and Construction office.
 - iii. Occupancy can only be permitted when:
 - a. Sale/Re-Rent Certificate is issued by the Middlesex Borough Zoning and Construction Office;
 - b. An SDCMFE Compliance Certificate is issued by the Middlesex County Fire Marshal;
 - c. All fees, fines, liens, and violations on the property have been satisfied
 - iv. For the sale of single-family, two-family, or multi-family residences, compliance with Chapter 224 - Flood Damage Prevention of the Borough Code.
- b. The fee for a Sale/Re-Rent Certificate shall be \$125 per dwelling unit and includes re-rents, leases, and re-sales resulting in a change of occupancy. Fees are due prior to scheduling inspection. The fee to reschedule a no-show inspection shall be \$75. In addition, there shall be an additional charge of \$50 per each inspection of the premises made by the inspector after the initial inspection to ensure compliance.
- c. The fees for the Compliance Certificate issued by the Middlesex County Fire Marshal is \$50 and will be billed by and paid directly to the County Fire Marshal Office.
- d. In the event the structure is deemed uninhabitable by the Department of Code Enforcement, the Sale/Re-Rent certificate will be denied. The property owner/agent may then request a Change of Title Certificate for an additional fee of \$100. The owner/agent must:

- i. Submit a notarized Hold Harmless indemnification agreement to the Borough;
and
- ii. Pay all inspection fees.

When rehabilitation work is completed, the owner/agent will be required to have the structure and all dwelling units re-inspected as detailed in Section 158-10 herein.

§ 158-11 Installation of fire detection system required.

- a. Every building or structure constructed for single-family and two-family occupancy shall have installed therein and thereafter maintained an approved fire detection system. The detector shall be of the ionization or other approved type, sensitive to any of the products of combustion except that detectors sensitive to heat only are unacceptable. The detector shall be of the types operated by battery or electricity on a specific circuit. A minimum of one detector shall be required on each level and within 10 feet of any bedroom door. Alarm signaling devices shall be clearly audible in all bedrooms when all intervening doors are closed. For the purpose of installation and maintenance, only the applicable sections of National Fire Prevention Association (N.F.P.A.) No. 72, "Standard for the Installation, Maintenance, and Use of a House Fire Warning System," shall constitute accepted practices.
- b. In the case of rental properties, the occupants of the dwelling units shall be responsible for replacing batteries in fire detection devices whenever new batteries are required.
- c. Failure to install and/or maintain a fire detection system as mandated by this section will subject the offender to a fine not to exceed \$500 per day per each location of violation.

§ 158-12 Carbon monoxide detector requirements.

- a. In any case in which a change of occupancy of any dwelling unit in a building with fewer than three dwelling units is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection, or other documentary certification of compliance with laws and regulations relating to the safety, healthfulness, and upkeep of the premises, no such certificate shall be issued until the officer or agency responsible for its issuance has determined that the dwelling unit is equipped with one or more carbon monoxide sensor devices or that there is no potential carbon monoxide hazard in the dwelling unit. Any such determination shall be made in accordance with rules adopted by the Commissioner of the Department of Community Affairs.
- b. In the case of an initial occupancy or a change of occupancy of any dwelling unit in a building with fewer than three dwelling units to which the provisions of paragraph a. do not apply, no owner shall sell, lease, or otherwise permit occupancy for residential

purposes of that dwelling unit without first obtaining from the relevant enforcing agency under the Uniform Fire Safety Act, P.L. 1983, c. 383 (N.J.S.A. 52:27D-192 et seq.) a certificate indicating that the dwelling unit is equipped with one or more carbon monoxide sensor devices or that there is no potential carbon monoxide hazard in the dwelling unit. Any such determination shall be made in accordance with rules adopted by the Commissioner of the Department of Community Affairs.

- c. The local governing body having jurisdiction over the enforcing agency or, where the Division of Fire Safety is the enforcing agency, the Commissioner of the Department of Community Affairs, may establish a fee which covers the cost of inspection and the issuance of the certificate; however, if an inspection is being made and a certificate is being issued evidencing compliance with § 2 of P.L. 1991, c. 92 (N.J.S.A. 52:27D-198.2), the fee authorized therein shall cover the costs of complying with this subsection.
- d. For purposes of this subsection:
 - i. "Carbon Monoxide Sensor Device" is defined as: a carbon monoxide alarm or detector that bears the label of a nationally recognized testing laboratory and has been tested and listed as complying with the most recent Underwriters Laboratories standard 2034 or its equivalent.
 - ii. "Dwelling Unit" is defined as: a structure, or a room or group of rooms within a structure, used or intended for use, in whole or in part, for residential purposes.
- e. An owner who sells, leases, or otherwise permits occupancy of a dwelling unit without complying with the provisions of this section shall be subject to a fine of not more than \$100, which may be collected and enforced by the local enforcing agency by summary proceedings pursuant to the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.; N.J.S.A. 52:27D-133.3).

§ 158-13 Information required for emergencies; notification of changes.

All applications for a Sale/Re-Rent Certificate shall contain the name, address, and phone number of the person to contact in case of an emergency and said person must be available and able to act in an emergency. A copy of this information shall be filed in the office of the Chief of Police of the Borough of Middlesex. The new owner/lessee shall be responsible for notifying the Chief of Police any time there is a change in any emergency information required by this article during the term of his ownership or tenancy.

§ 158-14 Failure to obtain Sale/Re-Rent Certificate; fine.

In the event that the current owner or purchaser of property in the Borough of Middlesex fails to obtain a Sale/Re-Rent Certificate and a SDCMFE Compliance Certificate, the current owner or purchaser shall be subject to a fine of \$500 per day for each day that the violation

continues.

§ 158-15 Enforcement.

Provisions of this chapter shall be enforced by the Borough Zoning Officer, Construction Official, Code Enforcement Officer, or their designee.

SECTION IV.

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 V.

All Borough of Middlesex ordinances or parts of ordinances inconsistent with this enactment are hereby repealed to the extent of such inconsistency.

SECTION VI.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reason, 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 VII.

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 3/9/2021 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Douglas Rex, Councilman	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

The Borough Clerk read ordinance 2024-21 by title:

ORDINANCE 2024-21

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 244 ENTITLED
“JUNKYARDS AND JUNK DEALERS” WITH A REVISED CHAPTER 244 TO
STREAMLINE THE APPLICATION PROCEDURES AND REGULATIONS RELATED TO
JUNKYARDS TO BE EFFECTIVE JANUARY 1, 2021**

WHEREAS, the Borough of Middlesex’s current code provides various requirements for junkyards and junk dealers to operate within the Borough; and

WHEREAS, the current code has not been significantly updated since the 1950s;

and

WHEREAS, it is the desire of the Borough of Middlesex to repeal and replace Chapter 244 in order to create a more streamlined procedure for applications made pursuant to this Chapter and to modernize various provisions therein; 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 244 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey be and is hereby repealed and replaced as follows:

Section I

Chapter 244 is hereby repealed in its entirety and replaced as follows:

§ 244-1 Definitions. <<https://ecode360.com/10335138>>

For the purpose of this article, the following words and terms shall be deemed to have the meaning herein given to them:

JUNK

Any scrap, waste or reclaimable material, motor vehicles, automotive equipment, construction or industrial equipment, combustible or noncombustible, or discarded articles and materials of every description, commonly called "junk."

JUNKYARD <<https://ecode360.com/10247529>>

Any lot, premises or building used for the scrapping, storing, dismantling or baling of scrap, waste or reclaimable material, motor vehicles, automotive equipment, construction or industrial equipment, combustible or noncombustible, whether the same is to be scrapped and baled for removal from the premises or sold on the premises at retail or wholesale.

PERSON <<https://ecode360.com/10335141>>

Includes individuals, partnerships, corporations and associations.

RETAIL JUNK DEALER <<https://ecode360.com/10335142>>

A person who goes about the streets soliciting the purchase of junk or who maintains a store, shop or other place of business or a vehicle for the purchase, sale and collection in small quantities of junk.

WHOLESALE JUNK DEALER <<https://ecode360.com/10335143>>

A person who buys and sells junk in large quantities and who maintains a warehouse, yard or other place of business where discarded articles and materials of every description are purchased or collected in large quantities and permitted to accumulate for the purpose of being sold at wholesale.

§ 244-2 License required. <<https://ecode360.com/10335138>>

No person shall keep, maintain or operate a junkyard or engage in the business of a retail or wholesale junk dealer without first having obtained a license therefor pursuant to this Chapter.

§ 244-3 Application; fees; bond. <<https://ecode360.com/10335138>>

- A. All applications for licenses shall:
- (1) Be in writing, signed by the applicant, and filed with the Borough Clerk;
 - (2) State the name and address of the applicant and, if a firm, association, partnership or corporation, the names and addresses of the officers, registered offices and registered officers, if any;
 - (3) State the place where the licensed business is to be conducted or, in case such license is sought for a vehicle, shall contain a detailed description of such vehicle;
 - (4) State the nature of the materials that the applicant intends to use in the operation of the business;
 - (5) State whether all Borough taxes, both real and personal, on the subject property have been fully paid;
 - (6) State whether the applicant has been employed by a junk dealer or has been a junk dealer in the past;
 - (7) Be accompanied by the license fee, as hereinafter prescribed, by cash or certified check made payable to the Borough of Middlesex;
 - (8) Include any other information that may be required by the Borough of Middlesex; and
 - (9) Include a copy of the approved Zoning Permit and/or the signed Resolution by the Joint Land Use Board approving the use as a junk yard inclusive of appropriate limitations.
- B. Each application, notwithstanding the particular type of junkyard or type of junk dealer, shall be subject to a \$500 application fee.
- C. An Applicant shall enter into a bond with the Borough of Middlesex, with good and sufficient surety to be approved by the Mayor and Council in the penal sum of \$1,000 conditioned for the due observance of all ordinances of the Borough of Middlesex. Said bond shall also be approved as to form by the Borough Attorney.

§ 244-4 License term; renewal; transfers.

- A. Each issued license shall be for the period from May 31 of each year to May 31 of the following year, both inclusive.
- B. A license may be renewed for each subsequent year upon application to the Borough Clerk for renewal without filing a complete application as required for the original license, provided that:
- (1) The application for renewal is accompanied by the annual license fee of \$500.

- (2) No changes have been made in the licensed premises, in the methods of operation or in the equipment or materials used in the business, and an affidavit to that effect is filed. If there has been any change, a complete statement of the changes made shall accompany the application for renewal.
 - (3) The bond entered into pursuant to § 244-3(C), above, remains active or a new bond is obtained with the same conditions.
- C. The transfer of any license provided for in this chapter to any other person shall be subject to the approval of the license issuing authority and shall be approved, provided that the applicant complies with all the terms and conditions of this chapter.

§ 244-5 License certificate issued. <<https://ecode360.com/10335138>>

If the Applicant has fully complied with the terms and conditions of this Chapter and any other applicable ordinance of the Borough, the Borough Clerk shall issue to the Applicant a license certificate for the premises specified in the application. A license certificate shall state the purpose for which the license is granted, the name and business address of the licensee, the number of the license and the date of its expiration. Said certificate shall be displayed in a conspicuous place upon the licensed premises at all times or, in case of a licensed vehicle, in or upon such vehicle at all times when the vehicle is engaged in the business for which the license is granted.

§ 244-6 Rules and regulations for licensee.

Licensed premises shall be operated in accordance with the following standards and regulations:

- A. No licensee shall receive in connection with his business any articles or materials by way of pledge or pawn, nor shall he lend or advance any money on the security of such articles and materials.
- B. No licensee shall purchase any goods, articles or other things whatsoever from any person under the age of 16 years.
- C. Every retail junk dealer shall keep a book in which shall be clearly written at the time of each purchase a description of the article purchased, the name and address of the seller and the date and hour of the purchase. Said book shall be available for inspection by any member or agent of the Police Department for a period of one year after the date of the purchase.
- D. No junk shall be permitted to scatter, to drift or to be strewn either inside or outside the junkyard and all such materials shall be secured, fastened and neatly stacked.
- E. No junk shall be permitted outside of a fenced enclosure or otherwise in public view.
- F. It shall be unlawful to stack, pile or place junk in such a manner as to create a fire hazard or to create a place for the harboring or breeding vermin.
- G. The required fire protection equipment shall be maintained in good working order at

every junkyard in accordance with the Uniform Fire Code of the State of New Jersey under the direction of the Fire Marshal Office.

- H. No flammable materials shall be stored unless it is in accordance with the Uniform Fire Code of the State of New Jersey under the direction of the Fire Marshal Office.
- I. All gasoline, fuel or other explosive material shall be drained and removed from any motor vehicle within 24 hours after it is received on any premises located in the Borough of Middlesex; and said gasoline, fuel or other explosive material shall either be removed from said premises or stored in accordance with the Uniform Fire Code of the State of New Jersey under the direction of the Fire Marshal Office.
- J. It shall be unlawful for any junk or remain in the open in such a manner that allows rainwater to collect and remain in any of the parts thereof for a longer period than 24 hours.
- K. No retail junk dealer shall receive or purchase in connection with his business any articles or materials except between the hour of 7:00 a.m. prevailing time and sunset.
- L. Every junk dealer who shall receive or be in possession of any articles or materials alleged to have been lost or stolen shall, upon demand, present them for inspection to any officer or agent of the Police Department.

§ 244-7 Subject to inspection. <<https://ecode360.com/10335138>>

All junkyards shall be subject to the inspection of the Zoning Department, Police Department, Fire Department, Health Department, and Fire Marshal Office by any personnel charged with the duties of enforcing the health, safety and Borough police ordinances, the Uniform Fire Code of the State of New Jersey, and other regulations and laws affecting or pertaining to this Borough.

§ 244-8 Suspension of license. <<https://ecode360.com/10335138>>

Any license issued pursuant to this article may be suspended or revoked by the Mayor and Council or Municipal Magistrate, after reasonable opportunity to the licensee to be heard, for violation of any of the provisions of this or any other ordinance of the Borough of Middlesex. Such suspension or revocation may be either in addition to or instead of the penalties prescribed by § 244-11 <<https://ecode360.com/10335165>>.

§ 244-9 Location. <<https://ecode360.com/10335138>>

No premises shall be used for establishing, operating or maintaining any junkyard or business, as defined in the ordinance to which this article is a supplement, other than in the industrial zone as defined by Chapter 420 <<https://ecode360.com/10337742>>, Zoning, of the Borough of Middlesex, nor shall any junkyard be operated or situated within a distance of 50 feet of premises used exclusively for residential purposes or a school, church, or other place of public gathering, except that this section shall not apply to any premises entitled to a nonconforming use by reason of law or the judicial decisions of this state, provided, however, that no such junkyard shall be located within an area which is less than 5,000 lineal feet between the nearest lot line of such proposed junkyard and the nearest lot line of any other junkyard. The phrase "nearest lot line" as used herein shall be understood and

construed in the case of irregular lot lines as being mean or average distance between such lot lines or in case of lot lines on opposite sides of a street or roadway, as meaning the distance between said lines if the same were projected or extended so as to be on the same side of the street or roadway.

§ 244-10 Fences. <<https://ecode360.com/10335138>>

- A. Solid walls of cement block or poured concrete or fences, at least eight feet above ground level and set back in accordance with the Chapter 420 <<https://ecode360.com/10337742>>, Zoning (Ordinance No. 220, as amended), shall be constructed and maintained in good repair at all times. Said fences shall be chain-link fences interwoven with plastic lining so that the contents of the junkyard, whether the junkyard is a motor vehicle junkyard or a junkyard operated, established or maintained by a retail junk dealer or a wholesale junk dealer, are not visible from the outside of the fence, and said solid walls or fences shall surround any area in which junk of any nature is stored. Any such wall or fence may have gates and doors for the purpose of ingress and egress.
- B. Any person who maintains or operates a motor vehicle junkyard and/or a wholesale or retail junkyard on the effective date of this article shall have a period of two years therefrom within which to construct or have constructed the wall or fence as prescribed in this article and shall not be liable to punishment under the provisions of this article unless the violation shall have occurred after the expiration of said two-year period.
- C. Fences used for screening junkyards shall not be used for advertising purposes.

§ 244-11 Violations and penalties. <<https://ecode360.com/10335138>>

Any person who shall violate any of the provisions of this article shall, upon conviction, be punished by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both such fine and imprisonment, in the discretion of the court; and each day such violation shall be continued shall be deemed and taken to be a separate and distinct offense.

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: 3/9/2021 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Douglas Rex, Councilman	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

The Borough Clerk read ordinance 2025-21 by title:

ORDINANCE 2025-21

AMENDING CHAPTER 6 ENTITLED “BYLAWS OF COUNCIL” TO ADD A NEW SECTION 6-24 TO BE ENTITLED “PUBLIC COMMENT; TIME LIMITS” TO PLACE APPROPRIATE TIME LIMITS ON SPEAKERS DURING COUNCIL MEETINGS

WHEREAS, Borough of Middlesex (“Borough”) regulates the By-Laws of Council as provided in Chapter 6 of the Borough Code; and

WHEREAS, Chapter 6 provides for the conduct of council meetings and participation of same;

WHEREAS, such a review by the Borough determined that it would be advantageous to place time limits on speakers during the public comment portion of council meetings to better control the ability of all speakers to participate in the discussions; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 6 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 6, Section 6-24 is hereby added to the Municipal Code as follows (all text is to be added as new text):

6-24 Public comment; time limits.

When two or more members of the public shall speak at the same time during the public comment section of council meetings, the Mayor shall name the one entitled to the floor. Speakers shall each initially be limited to three (3) minutes of speaking time during public comment portions of meetings. Once all speakers have been heard, they each may add additional comments thereafter.

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: 3/9/2021 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

The Borough Clerk read ordinance 2026-21 by title:

ORDINANCE 2026-21

AN ORDINANCE COMBINING THE DEPARTMENT OF RECREATION AND THE DEPARTMENT OF SENIOR SERVICES INTO A SINGLE DEPARTMENT TO BE KNOWN AS THE DEPARTMENT OF PUBLIC RECREATION AND SENIOR SERVICES, AND AMENDING THE TITLE OF THE HEAD OF SUCH DEPARTMENT TO BE THE DIRECTOR OF PUBLIC RECREATION AND SENIOR SERVICES

WHEREAS, the Administration and Council of the Borough of Middlesex (hereinafter referred to as "Borough") shall, from time to time, review its department and committee structure so as to promote effective governance to meet the needs of its citizens; and

WHEREAS, such a review by the Borough determined that the two current departments of recreation and of senior services can be combined into a single entity to be known as the Department of Public Recreation and Senior Services; and

WHEREAS, the current Code of the Borough of Middlesex ("Code") does not contain any ordinances related to creating the Department of Recreation nor the Department of Senior Services; and

WHEREAS, to best implement this change in the Borough of Middlesex's structure, a new ordinance shall be created and inserted into the Code to create this new department; and

WHEREAS, Chapter 92 of the Code has previously been repealed and remains reserved.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that 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 92 is hereby re-established and added to the Ordinances of the Borough of Middlesex and shall be titled as follows:

Chapter 92: Department of Public Recreation and Senior Services

Section II

Chapter 92, Department of Public Recreation and Senior Services, is hereby added to the Ordinances of the Borough of Middlesex and shall read as follows:

92-1 Department established; head

There shall be a Department of Public Recreation and Senior Services, the head of which shall be the Director of Public Recreation and Senior Services. The Director shall be responsible for the operations of the Department and shall be subject to the requirements as set forth in Chapter 68, Article VIII.

92-2 Purpose; structure

(A) The Department of Public Recreation and Senior Services shall be the department responsible for the planning, promoting, organizing and administering the recreation program for the community as a whole along with the events for senior citizens, the disabled, and persons of all ages in need of public assistance.

(B) The Department of Public Recreation and Senior Services shall consist of two (2) Divisions, as provided in Sections 92-3 and 92-4 herein.

92-3 Division of Recreation Program Services

Within the Department of Public Recreation and Senior Services, there shall be a division called "Recreation Program Services," which shall be under the supervision of the Director of Public Recreation and Senior Services. This Division shall consist of members who provide recreation programs, events and services to all age groups.

92-4 Division of Senior Services

Within the Department of Public Recreation and Senior Services, there shall be a division called the "Senior Services Division," which shall be under the supervision of the Director of Public Recreation and Senior Services. This Division shall consist of members who will provide recreation programs and services to the senior population.

Section III

All references within Chapter 68 ("Officers and Employees"), along with any other references within the entire text Borough Code, to the "Director of Recreational Activities" or the "Director of Recreation" shall be amended to reflect the new title of "Director of Public Recreation and Senior Services."

Section IV

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

Section V

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 VI

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: 3/9/2021 7:00 PM
MOVER:	Jeremiah Carnes, Councilman	
SECONDER:	James Eodice, Council President	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 2022-21 by title:

ORDINANCE 2022-21

AN ORDINANCE FIXING AND DETERMINING THE SALARY RANGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDDLESEX

TITLE	SALARY	RANGE
Full Time Employees		
Chief of Police	\$160,000	\$195,000
Borough Administrator	\$100,000	\$150,000
Borough Clerk	\$65,000	\$100,000
Deputy Borough Clerk	\$40,000	\$65,000
Tax Collector	\$50,000	\$75,000
DPW Superintendent	\$90,000	\$120,000
Director - Office on Aging	\$50,000	\$75,000
Treasurer/CFO	\$60,000	\$90,000
Recreation Director	\$55,000	\$75,000
Deputy Recreation Director	\$35,000	\$50,000
Court Administrator	\$55,000	\$70,000
Court Violations Clerk	\$35,000	\$55,000
Administrative Clerk/Purchasing Agent	\$45,000	\$65,000
Human Resources/Payroll Clerk	\$45,000	\$60,000
Administrative Assistant	\$32,000	\$45,000
Senior Administrative Assistant	\$42,000	\$55,000
Records Clerk	\$34,000	\$50,000
Certified Technical Assistant	\$45,000	\$65,000
Part Time Employees		
Assistant Recreation Director	\$11,000	\$14,000
Recreation Commission Secretary	\$1,100	\$1,500
Tax Assessor	\$20,000	\$40,000

Code Enforcer/Zoning Official	\$30,000	\$65,000
Construction Official	\$10,000	\$15,000
Electrical Sub-Code Official	\$11,500	\$17,000
Building Sub-Code Official	\$20,000	\$25,000
Resale Certificate Inspector	\$2,500	\$7,500
Plumbing Sub-Code Official	\$10,000	\$25,000
Fire Sub-Code Official	\$10,000	\$15,000
Planning/Zoning Clerk (per meeting)	\$200	\$400
Shade Tree Secretary	\$2,350	\$3,000
Juvenile Conference Committee Secretary	\$1,500	\$2,500
Municipal Magistrate	\$35,000	\$50,000

Hourly Employees	Per Hour	Per Hour
Administrative Clerk	\$13.00	\$20.00
Construction/Code Inspectors	\$13.00	\$16.00
DPW Laborer	\$13.00	\$20.00
Meals on Wheels Driver	\$13.00	\$20.00
Medical Transportation Driver	\$13.00	\$20.00
Senior Transportation Driver	\$13.00	\$20.00
Pre-School Program Coordinator	\$14.00	\$20.00
Pre-School Program Instructor	\$13.00	\$18.00
Playground Coordinator (Seasonal)	\$12.00	\$20.00
Playground Site Supervisor (Seasonal)	\$11.00	\$16.00
Playground Counselor (Seasonal)	\$10.30	\$14.00
Police Matrons	\$15.00	\$20.00
Crossing Guards	\$14.00	\$20.00
Custodian	\$15.00	\$20.00

SECTION 2

Rates of Compensation established above shall serve as a guide in employment and subsequent changes in rate of employees hired after passage of this ordinance.

SECTION 3

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are and the same are hereby repealed.

SECTION 4

This Ordinance shall take effect upon its final passage, approval and publication according to law.

Mayor Madden opened the Public Hearing on Ordinance No. 2022-21. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance 2022-21.

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

ADOPTION OF MINUTES

MAYOR'S REPORT

No report was given.

COUNCIL MEMBER REPORTS

Council President Eodice

On Feb 17th I attended the monthly meeting for the Swim Pool Commission. The commission is working hard on their advertising campaigns and looking forward to the upcoming season.

Last night I attended the BOE meeting and most all were happy to see hybrid education back this week. As I mentioned in a comment in the meeting, the public also has an obligation to act safely and responsibly, following guidelines and protocols. We have been fortunate to see case numbers decreasing, but they can also change quickly.

Last, I'd like to mention that the Middlesex Elks have created a food pantry service, and have been helping local folks in need for the last few months. Both fortunately and unfortunately, it's been successful enough that supplies continue to run low.

To help keep it going, the Elks will be holding a food drive this Saturday from 9am to 12pm, so please donate if you can.

Councilman Carnes

Joint Land Use Board

The Agenda for the February 23, 2021 meeting is posted on our website, borough hall, and the Courier News. We will be meeting in person at the recreation center.

Culture and Heritage Committee

We will be meeting in person, in the Library Community Room. We welcome two amazing volunteers who will make an amazing difference to our community. Looking forward to serving with you both.

Sherley Penrose - 2 year term
James Johansen - 3 year term.

Myself, Committee Chair & Vice Chair will be meeting about our grant denial and continue to work for future grants, program funding for our community.

Recreation Committee

Middlesex Borough deserves a great Recreation Department and tonight we take the first steps to achieve this goal. Many amazing people have worked hard towards this, with our future generations always kept in mind. I strongly believe that Ms. DeMartino is an amazing choice, and I am excited to watch her work. Thank you Ms. Karrow for the vision on how to get us started as well, while the future of the recreation may still change in the future, I feel this is currently the best choice to start our rebuild.

Board of Ed

Kids are back in school starting this week, I'd like to thank everyone who helped make this possible.

Councilwoman Flood

Before I present my report for this evening, I wanted to clarify something from our last meeting. Public comments suggested neither the mayor nor council members attended the virtual BOE meeting held Monday, February 8th. In fact, I did attend that meeting and was present from beginning to end. As a Council Representative for the Board of Education, I have attended almost every BOE meeting since being appointed.

Housing and Development: A resolution is being presented this evening for approval of 2021 HUD Funds.

BOE: The Middlesex BOE met remotely via Zoom on Monday, February 22, 2021 at 7pm. Ms. Sauntiera Anglade was sworn in as a member of the BOE for a one-year term. The BOE now has a full nine-member board.

Ms. Hope Blackburn reviewed The School Ethics Act and Code of Ethics for members of the BOE.

School Nurses Mrs. Garofalo and Mrs. Trowers gave a presentation for the Pandemic Response Team.

Superintendent Dr. Williams announced students returned to hybrid learning. He further stated the results of a parent survey will help the district determine an Action Plan.

It is wonderful to see students returning this week and in the next two weeks for in person instruction. I hope this is the first step of many bringing our district back to 5 full days of in person instruction for those who desire that model. I am hopeful one of my comments from my OEM report can lend a hand toward that momentum.

BOFO: The Middlesex BOFO met remotely via Zoom on Monday, February 15th at 8pm. There is a resolution before council this evening to approve the use of a vehicle for the purpose of getting to emergencies for the first assistant chief. This morning there was a serious motor vehicle accident where our fire and police department responded and arrived to the scene quickly. Something everyone who lives in Middlesex can appreciate is how quickly a police officer arrives on the scene when called. Now that I have been getting these alerts for the fire department, I am seeing it there as well. Obviously, these emergencies give no warning. Fortunately, we have committed members of both our fire and police department who respond at any and all hours of the day as needed. I am continuing to get to these calls as I can to continue to understand the needs of our fire department. Chief Bird, Assistant Chief Bartok, continue to be helpful at the scene of these emergencies as they can to answer questions I may have.

OEM: The Office of Emergency Management met in person on Thursday, February 11th at 10am. They will begin holding virtual meetings with members in March. If you have a FB account, you may want to check out the Middlesex Borough OEM page. There are daily posts providing seasonal and weather related information, as well as helpful COVID related updates. Mr. Costa has informed us FEMA will reimburse our town for COVID related expenses. He will continue to provide more information on that as he receives it. Thank you for making us aware of this Mr. Costa. An additional thank you to Mr. Costa for reaching out and getting a very quick response for me that FEMA is also reimbursing schools for COVID related expenses. There are obviously guidelines for this and to be clear the school district would have to go about this on their own, but hopefully necessary items to move the district forward can be purchased using this money.

Our DPW has been to say the least busy with snow removal for several weeks. It seems like a regular thing lately to see plows at every turn. Thank you for continuing to clear our roads again and again.

Congratulations to Mr. Bob Teutsch on your retirement from the Department of Public Works. Thank you for your many years of service to the Borough of Middlesex.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

- Police, Fire and DPW have done a great job
- January Police Report shows a lot of items going down, while motor vehicle accidents are rising

Councilman Quinn

Shade Tree Commission met this week on the 18th of February. The budgetary short fall from work required last year was \$4300.00. The work proposed has been completed under the current budget. We are still looking into what grants we may qualify for, but this short fall may need to be addressed in a few ways. 1) While doing the budget, we may need to increase its funding slightly so we don't hit a short fall next year. And 2) The Shade Tree Commission along with The Joint Land Use Board is requesting TO increase the fees that builders are charged for the removal of trees in the borough, our goal is really zero net loss. The current ordinance was adopted on 6-23-1981, it is extremely outdated. Currently we list a small table in 395-15 "Tree Replacement" that states a tree that is 8"-15" diameter will be replaced by (4) 2 ½' diameter trees, or (2) 4' diameter trees. With the number of replacements increasing as the diameter of the original tree increases. We break it down into 4 categories of tree 8-15", 16-24", 25-36", and 37" and over. We offer an option if replacement of the trees is not desirable or possible on the property for a builder to pay money to the tree replacement fund. The tree replacement fund fees are currently written in 395-18: "if the tree that has been removed has a diameter of less than 24", the contribution shall be in the amount of \$300.00 per tree. If the tree that has been removed has a diameter in excess of 24 inches, the contribution shall be \$300.00 plus an additional \$200.00 for each 12 inches or portion thereof". Currently the minimum pricing in Somerville, is \$650.00 per tree. Edison is \$500.00 per tree. A revision to this ordinance will be introduced at the next council meeting to bring us in line with other towns in the area.

DPW is still doing an amazing job with all snow removal, they were running low on salt for the roads but Lenny found another supplier to tied us over until the Morton contract can be fulfilled. Bob Teutsch final day of work was last Friday, I would like to once again wish him well in his retirement. Issues still continue with Solterra recycling. I have called and left messages several times with their customer support, again due to the complaints from the public, with no call back. I called the County Recycling Department yesterday. Someone did call me back, but the promised call from a supervisor did not happen. Lenny and I have had a discussion on what our options may be and at a later date once the figures are in, a presentation will be made to this body discussing our options, either moving forward or keeping the status quo.

Councilman Rex

No Report

ADMINISTRATOR'S REPORT

**Administrator's Report
February 23, 2021**

- i. **Flood Management:**
- i. **Stormwater Ordinance**

- ii. **Update on Sewer Projects:**
- i. **Phase I:**
- a. **i-Bank (formerly EIT) funding reimbursement;**

- b. Additional work on George Street needed
- c. O&M Manual required by DEP
- ii. Phase II Funding
- iii. *Phase IV: Sewer Bypass
- iii. Update on Other Public Works Projects:
 - i. *Streetscape Project
- iv. Miscellaneous
 - i. *Recreation Director Position
 - ii. *Personnel Manual - March 9th Update
 - iii. Revaluation Bid
 - iv. *Sewer Appeals
 - v. *Hunterdon ESC Purchasing Coop
 - vi. *Shade Tree Commission request to increase fees - An ordinance will be introduced at the March 9, 2021 Regular Meeting.

The Borough Administrator indicated that the previous mayor had made permanent exemptions to waive sewer billing for certain residents, business and employees.

PRIVILEGE OF THE FLOOR

Kevin Redzinski, 441 Fairview Avenue congratulated Bob Teutsch on his retirement from the DPW and congratulated Lenny Vidal on his promotion as the new DPW Superintendent.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

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

The Borough Clerk read the following resolution:

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

RESOLUTION 72-2021

APPROVING THE TEMPORARY DISCHARGE APPROVAL APPLICATION AT THE FACTORY LANE SITE TO BE SUBMITTED BY THE MCUA AT THE REQUEST OF NEW FIELDS, ON BEHALF OF BAYER CROP SCIENCE, INC. - *Item Removed from Consent*

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater; and

WHEREAS, at the recommendation of the Borough's Sewer Operator, the Governing Body is recommending that the Conditions on this Temporary Discharge Approval be amended in Section C to read as follows:

The discharge shall be at a rate not to exceed 65 gpm and the total flow per day shall not exceed 50,000 gallons. The total volume of groundwater discharged over the term of this Temporary Discharge Approval shall not exceed 18,250,000 gallons.

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

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer CropScience, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as amended under "Conditions" Item C to read as follows: "The discharge shall be at a rate not to exceed 65 gpm and the total flow per day shall not exceed 50,000 gallons. The total volume of groundwater discharged over the term of this Temporary Discharge Approval shall not exceed 18,250,000 gallons."

2. This resolution shall take effect immediately.

RESULT:	ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex

The Borough Clerk read the following resolution:

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

RESOLUTION 74-2021

ACCEPTING THE RETIREMENT OF BOB TEUTSCH FROM THE DEPARTMENT OF PUBLIC WORKS EFFECTIVE MARCH 1, 2021 AND AUTHORIZING THE TREASURER TO PAY HIS FULL ALLOWANCE OF \$31,413.72 IN ACCORDANCE WITH THE PERSONAL POLICY

The Mayor and Council hereby accept Robert Teutsch's resignation effective March 1, 2021 and authorize the Treasurer to pay the full allowance of \$31,413.72 in accordance with the personnel policy in the next regular Borough payroll of February 26, 2021. The benefits include the following:

28 Days Vacation Time	\$ 11,276.72
50 Days Sick Time	\$ 20,137.00

TOTAL	\$ 31,413.72
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The Borough Clerk read the following resolution:

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

RESOLUTION 75-2021

APPROVAL OF THE 2021 HUD FUNDS

The following items have been approved by the Housing and Community Development Committee to be submitted to the Middlesex County Housing & Community Development for approval for the use of the 2021 Grant Funds:

Senior Coordinator Salary	\$10,000
Senior Van Driver	\$9,205
Code Enforcement	\$10,575
Nutritional Program	\$6,500
Senior Center Men's Restroom	\$27,206
TOTAL	\$63,486

The Borough Clerk read the following resolution:

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

RESOLUTION 76-2021

AUTHORIZING MARCIA KARROW, BOROUGH ADMINISTRATOR, TO ENTER MIDDLESEX BOROUGH INTO A COOPERATIVE PRICING AGREEMENT WITH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on February 23, 2021 the governing body of the Borough of Middlesex, County of Middlesex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

NOW, THEREFORE BE IT RESOLVED as follows:

Middlesex Borough

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of Middlesex Borough; and

Business Administrator

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Borough Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

Middlesex Borough

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the state of New Jersey.

February 23, 2021

This resolution shall take effect immediately upon passage.

The Borough Clerk read the following resolution:

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

RESOLUTION 77-2021

AUTHORIZING THE REFUND OF DUPLICATE PAYMENT ON 1ST QTR 2021 TAXES ON BLOCK 167, LOT 18 IN THE AMOUNT OF \$3,059.80

WHEREAS, payment was sent in by mail via Title Company for Block 167 Lot 18 for 1st Qtr. 2021 in the amount of \$3,059.80 and posted on 2/4/2021; and

WHEREAS, an additional payment was sent in via WIRE for Block 167 Lot 18 for 1st Qtr. 2021 in the amount of \$3,059.80 and posted on 2/8/2021; and

WHEREAS, the Title Company has requested a refund for the error in the double payment; and

WHEREAS, the Title Company is entitled to a refund as there is an overpayment of \$3,059.80 on the account; and

NOW THEREFORE, a check in the amount of \$3,059.80 should be made payable to:

Providence Abstract
3146 Rt 27
Suite 203-204
Kendall Park, NJ 08824

The Borough Clerk read the following resolution:

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

RESOLUTION 78-2021

**APPROVAL OF THE MIDDLESEX BOROUGH RESCUE TASK FORCE MEMBER AND
PHYSICIAN CONSULTANT FOR 2021**

The Governing Body hereby appoints Dr. Ronald Frank as the Rescue Task Force Physician Consultant for the Rescue Task Force for 2021 along with the following Members, all of which are also members of the Middlesex Borough Fire Department:

Bartok, Kenneth	Kriney, Alan
Bird, David	Lubetkin, Darren
Bird, Stephen	Meyer, Jeff
Costa, Jack	McKowen, Colin
Giardino, Jacqueline	Schroeder, George

The Borough Clerk read the following resolution:

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

RESOLUTION 79-2021

**TRANSFERRING A MIDDLESEX FIRE POLICE VEHICLE TO THE ASSISTANT FIRE
CHIEF**

The Governing Body hereby approves the transfer of the Middlesex Fire Police Car Vin #2FBP7BV1BX109275 to the Assistant Fire Chief effective immediately.

The Borough Clerk read the following resolution:

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

RESOLUTION 80-2021

**PROMOTION OF LEONARD VIDAL TO THE POSITION OF DPW SUPERINTENDENT
EFFECTIVE MARCH 1, 2021 AT A SALARY OF \$102,000 AND AUTHORIZING THE
MAYOR TO EXECUTE LEONARD VIDAL'S EMPLOYMENT CONTRACT**

WHEREAS, the former Department of Public Work's Manager has retired effective March 1, 2021; and

WHEREAS, the Mayor and Council of the Borough of Middlesex has interviewed for this position and have agreed to promote Leonard Vidal, the Foreman in the DPW to replace the former Department of Public Work's Manager; and;

WHEREAS, Mr. Vidal has completed all the requirements for this position and is in receipt of his Certified Public Works Manager Certificate;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that the Governing Body agrees to promote Leonard Vidal to the position of Superintendent of Public Works and shall enter into a contract for services with Mr. Vidal, to which the Mayor is authorized to execute on the Borough's behalf; and

BE IT FURTHER RESOLVED, the compensation for Leonard Vidal shall, consistent with the Agreement, be set as follows:

YEAR	TOTAL COMPENSATION
3/01/21 - 3/01/22	\$102,000.00
3/01/22 - 3/01/23	\$106,000.00
3/01/23 - 3/01/24	\$110,000.00
3/01/24 - 3/01/25	% Increase of DPW Union
3/01/25 - 3/01/26	% Increase of DPW Union

; and

BE IT FURTHER RESOLVED, further terms of employment between the Borough and Leonard Vidal shall be dictated pursuant to the agreement between the parties.

The Borough Clerk read the following resolution:

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

RESOLUTION 81-2021

**APPROVING THE PROPOSAL FROM MASER CONSULTING FOR THE
CONSTRUCTION ADMINISTRATION SERVICES FOR THE 2019 NJDOT ROAD
IMPROVEMENT PROJECT FOR FISHER AVENUE AND ASHLAND ROAD**

WHEREAS, Maser Consulting has provided an Agreement for the Professional Construction Administration Services for the 2019 NJDOT Road Improvement Project for Fisher Avenue and Ashland Road; and

WHEREAS, this proposal is for the Construction Administration Services for this project in an amount not to exceed \$84,000; and

WHEREAS, The estimated construction cost for this project is \$567,500, of which the Borough will be receiving \$557,200 in funding from grants from the NJDOT.

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 Body hereby approve the proposal from Maser Consulting for the Professional Construction Administration Services in an amount not to exceed \$84,000.

NOW FURTHER BE IT RESOLVED, that the Temporary CFO certifies funds in the amount of \$84,000 are available in Account No. C-04-19-961-000-050

The Borough Clerk read the following resolution:

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

RESOLUTION 82-2021

APPROVING THE PROPOSAL FROM MASER CONSULTING FOR THE ENGINEERING DESIGN SERVICES FOR THE 2018 NJDOT ROUTE 28 STREETScape PROJECT AND AUTHORIZES THE MAYOR TO EXECUTE THE CLIENT CONTRACT - *Item Removed from Consent*

WHEREAS, Maser Consulting has provided a Proposal for the Professional Engineering Design Services for the 2018 NJDOT Grant for the Route 28 Streetscape Project; and

WHEREAS, this proposal is for the Design Services for this project is in an amount not to exceed \$44,450 (excludes on-site construction administration services during construction); and

WHEREAS, The Borough has received grants from the NJDOT in 2018 in the amount of \$1,030,560 for the Streetscape Project

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 Body hereby approve the proposal from Maser Consulting for the Professional Engineering Design Services in an amount not to exceed \$44,450 (excludes on-site construction administration services during construction) and authorizes the Mayor to execute the Client Contract.

NOW FURTHER BE IT RESOLVED, that the Temporary CFO certifies funds in the amount of \$44,450 are available in Account No. C-04-19-962-000-050.

RESULT:	TABLED BY CONSENT VOTE [UNANIMOUS]	Next: 3/9/2021 7:00 PM
MOVER:	Martin Quinn, Councilman	
SECONDER:	James Eodice, Council President	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

The Borough Clerk read the following resolution:

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

RESOLUTION 83-2021**APPROVING THE PROPOSAL FROM MASER CONSULTING FOR THE ENGINEERING DESIGN SERVICES FOR THE 2020 NJDOT ROAD PROGRAM FOR HARRIS, SHERMAN, CHESTNUT, AND HAZELWOOD AVENUE**

WHEREAS, Maser Consulting has provided a Proposal for the Professional Engineering Design Services for the 2020 NJDOT Road Program for Road Improvements for Harris, Sherman, Chestnut and Hazelwood Road; and

WHEREAS, this proposal is for the Design Services for this project is in an amount not to exceed \$54,500; and

WHEREAS, The estimated construction cost for this project is \$510,000, of which the Borough will be receiving \$525,000 in funding from grants from the NJDOT.

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 Body hereby approve the proposal from Maser Consulting for the Professional Engineering Design Services in an amount not to exceed \$54,500.

NOW FURTHER BE IT RESOLVED, that the Temporary CFO certifies funds in the amount of \$54,500 are available in Account No. C-04-20-002-000-086.

The Borough Clerk read the following resolution:

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

RESOLUTION 84-2021**ACCEPTING AND ADOPTING THE CENTRAL JERSEY MUNICIPAL JOINT INSURANCE FUND'S 2021 SAFETY INCENTIVE PROGRAM**

WHEREAS, Middlesex Borough is a member of the Central Jersey Municipal Joint Insurance Fund (CENTRAL JIF); and

WHEREAS, it is the policy of the CENTRAL JIF to achieve the best and most practical degree of freedom from accidents and / or injuries; and

WHEREAS, the CENTRAL JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from any recognized hazards; and

WHEREAS, the CENTRAL JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

WHEREAS, the CENTRAL JIF's Safety Committee is made up of representatives of the Fund's Municipalities, along with the professionals employed by the Fund; and

WHEREAS, the new Program will assist all the Central JIF members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

WHEREAS, the CENTRAL JIF has adopted the new 2021 SAFETY INCENTIVE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

NOW; THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Central Jersey Municipal Joint Insurance Fund SAFETY INCENTIVE PROGRAM be adopted by the Borough Council.

The Borough Clerk read the following resolution:

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

RESOLUTION 85-2021

**RESOLUTION OF SUPPORT FOR THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION TO RESTRICT VEHICLES OVER 4 TONS ON DAYTON AVENUE
AND MARSHALL PLACE AND INSTALL THE APPROPRIATE SIGNAGE**

WHEREAS, Owen, Little & Associates, Inc. provided a Traffic Engineering Study for proposed truck restrictions on Dayton Avenue and Marshall Place; and

WHEREAS, the study provided included discussions and review of traffic regulatory information provided by the New Jersey Department of Transportation's Traffic Investigations and Regulations Unit, and information provided by the Police Department; and

WHEREAS, Owen, Little & Associates, Inc. has concluded that based on the analysis and investigation that they have conducted they are recommending that four-ton weight restriction signage be installed at the intersections of Bound Brook Road and Northbound Dayton Avenue and Northbound Marshall Place.

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 Body hereby supports the recommendations of Owen, Little & Associates, Inc. that four-ton weight restriction signage be installed at the intersections of Bound Brook Road and Northbound Dayton and Northbound Marshall Place.
2. This resolution shall take effect immediately.

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 86-2021**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:	James Eodice, Council President
SECONDER:	Martin Quinn, Councilman
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

ADJOURNMENT

The next Regular Meeting will be March 9, 2021

Respectfully yours,

Borough Clerk