



Borough of Middlesex

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Mayor and Council Regular Meeting

~ Minutes ~

Linda Chismar
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Tuesday, March 9, 2021

7:00 PM

Remote Zoom/Telephone Meeting

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
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

1. Maser Engineering - Streetscape Project

Borough Engineer Joe Venezia and Tom Herits from Maser Consulting attended to the discuss the Streetscape Project that is to be done with funds from the 2018 NJDOT Grant for the Route 28 Streetscape Project.

It was discussed that the NJDOT is recommending that pavers be used for this project, which is proposed to go from Washington Avenue to Second Street with the full blown streetscaping. Pavers will be placed between the curb and sidewalk, and, the sidewalks will be redone on both sides of Route 28. On the Mountain View Park side, the sidewalk will be extended, making it 5 feet instead of 4 feet wide. Benches, shade trees, and trash receptacles will be on the side of the sidewalk away from the street, and the lighting will be installed on the street side. A black split rail fence will be put up behind the benches with openings throughout. Behind the fence, viburnum will be planted. From Second Street to Warrentville Road, the intention is to add benches and shade trees throughout.

Sidewalks will be put in by the Shopping Center by Green Brook Road on Route 28 with pavers being added between the curb and sidewalk. The existing pavers in the Borough are red brick, however there are several other choices that can be considered. Concrete Sub-bases are recommended to be installed under the pavers. Wayfair signage will be on Route 28, streetscape signage will be attached to light poles and either Cherry or Tartarian Maple Trees are recommended to be planted for shade.

Additionally, the ADA ramps will be done under a separate contract by the State, so work will be done to allow for the States work on the ramps.

The resolution to approve the engineering design services for this Streetscape Project is on this evenings meeting for approval.

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 2027-21 by title:

ORDINANCE 2027-21

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 395 TREES, SECTION 395-18 AMOUNT OF CONTRIBUTION

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

Section 395-18 shall be amended to read as follows:

§ 385-18 Amount of Contribution

The amount of contribution shall be determined by the size of the tree that has been removed. If the tree that has been removed has a diameter of less than 25" the contribution shall be in the amount of \$400.00 per tree. If the tree that has been removed has a diameter of 26"-36" the contribution shall be in the amount of \$500.00 per tree; and if the tree that has been removed has a diameter of 37" or larger the contribution shall be in the amount of \$900.00 per tree.

This ordinance shall take effect upon final adoption and publication as required by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 3/23/2021 7:00 PM
MOVER:	James Eodice, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

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.

~~Article I~~**~~Resale or Leased Certificates for Residential Uses~~**~~— § 158-1 Certificate required for transfer of ownership of property.~~**~~[Amended 8-28-2018 by Ord. No. 1948]~~**

~~Each time that there is a transfer of ownership of property located within the Borough of Middlesex or a change of use or a change of occupancy, the seller or purchaser of said property must obtain from the Construction Office of the Borough of Middlesex a resale/leased certificate certifying that the property may be continued to be used as it is currently being used.~~

~~— § 158-2 Fee.~~

~~The fee for a residential resale/leased certificate shall be \$100 in the event that only one inspection is required of the designated official inspector(s) but in the event that the inspector is required to make more than one inspection of the premises before issuing a resale/leased certificate, there shall be an additional charge of \$50 per each inspection of the premises made by the official inspector after the initial inspection.~~

~~— § 158-3 Inspection of premises.~~**~~[Amended 8-28-2018 by Ord. No. 1948]~~**

~~Before a residential resale/leased certificate shall be issued, the official inspector shall make a visual inspection of the premises to ensure that no life safety violations as per the checklist are present at the time of the inspection.~~

~~— § 158-4 Application for and issuance of certificate.~~

~~Applications for a residential resale/leased certificate shall be submitted to the Construction Office of the Borough of Middlesex, and, once the inspection has been completed, the certificate shall be issued or denied.~~

~~— § 158-4.1 Information required for emergencies; notification of changes.~~

~~All applications for a residential resale/leased 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.~~

~~— § 158-5 Failure to obtain certificate; fine.~~

~~In the event that the current owner or purchaser of property in the Borough of Middlesex fails to obtain a residential resale or leased certificate, the current owner or purchaser shall be subject to a fine of \$500 per day for each day that the violation continues.~~

—Article II

Leased Certificates for Nonresidential Uses

~~—§ 158-6 Certificate required for change of tenant in commercial, industrial and business property.~~

~~Each time there is a change of tenant in any commercial, industrial or business property, or unit therein, leased within the Borough of Middlesex, each new lessee of such property or unit must obtain from the Zoning Office of the Borough of Middlesex a nonresidential leased certificate certifying that the intended use is a permitted use in the zone in which the property is located. Applications for a nonresidential leased certificate for change of tenant in commercial, industrial and business property shall be submitted to the Construction Office of the Borough of Middlesex, and, once the completed application has been received and the required inspection completed, the nonresidential leased certificate shall be issued or denied.~~

~~—§ 158-7 Fee.~~

~~The fees for a nonresidential leased certificate shall be \$250.~~

~~—§ 158-8 Inspection of premises.~~

~~Before a nonresidential leased certificate shall be issued, the designated official inspector(s) shall make an inspection of the premises to determine whether the certificate may or may not be issued.~~

~~—§ 158-9 Affidavit of intended use of property; description of operation to be conducted.~~

~~Applications for a nonresidential leased certificate shall be submitted to the Construction Office of the Borough of Middlesex, and, once the application has been deemed complete, the certificate indicating whether the present use may or may not be continued shall be issued. All applications for a nonresidential leased certificate 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 therein.~~

~~—§ 158-10 Information required for emergencies; notification of changes.~~

~~All applications for a nonresidential leased 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 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 tenancy.~~

~~— § 158-11 Application for and issuance of certificate.~~

~~Applications for a nonresidential leased certificate shall be submitted to the Construction Office of the Borough of Middlesex, and, once the inspection has been completed, leased certificate shall be issued or denied.~~

~~— § 158-12 Failure to obtain certificate; fine.~~

~~In the event that a new lessee of any commercial, industrial or business property in the Borough of Middlesex fails to obtain a nonresidential leased certificate, the lessee or property owner shall be subject to a fine of \$500 and shall cease all business activities in the leased property until such time as a nonresidential leased certificate is obtained.~~

~~— Article III~~

~~Change of Title~~

~~— § 158-13 Certificate required for residential change of title.~~

~~Immediately upon any change in ownership of any residential property within the Borough of Middlesex, the purchaser of said property must obtain from the Construction Office of the Borough of Middlesex, prior to occupancy, a change of title certificate. Said property may not be occupied until it is fully in compliance with all applicable codes and ordinances.~~

~~— § 158-14 Fees for residential change of title.~~

~~The fee for a residential change of title shall be \$100.~~

~~— § 158-15 Inspection of premises.~~

~~Before a change of title certificate shall be issued, the designated official inspector(s) shall make an inspection of the premises to verify the existing conditions before the purchase of the property. Notwithstanding the issuance of a change of title certificate, any new purchaser that intends to occupy said property must obtain all necessary approvals as well as compliance with § 158-1.~~

~~— § 158-16 Application and issuance of certificate.~~

~~Applications for a change of title certificate shall be submitted to the Construction Office of the Borough of Middlesex, and, once the inspection has been completed, a certificate shall be issued or denied.~~

~~— § 158-17 Failure to obtain certificate; fine.~~

~~In the event that a new buyer of any residential property in the Borough of Middlesex fails to obtain a change of title certificate prior to purchase, the buyer shall be subject to a fine of \$500.~~

~~— § 158-18 **Certificate required for nonresidential change of title.**~~

~~Each time there is a change in ownership of any nonresidential property within the Borough of Middlesex which does not require any change of tenancy or occupancy or is not to be occupied until zoning approval is obtained, a purchaser of said property must obtain from the Construction Office of the Borough of Middlesex a change of title certificate.~~

~~— § 158-19 **Fee for nonresidential change of title.**~~

~~The fee for a nonresidential change of title shall be \$250.~~

~~— § 158-20 **Application and issuance of certificate.**~~

~~Applications for a nonresidential change of title certificate shall be submitted to the Construction Office of the Borough of Middlesex, and, once the inspection has been completed, a certificate shall be issued or denied. If a change of title certificate is issued, any new business prior to occupying said property must obtain all necessary zoning approvals as well as comply with § 158-6.~~

~~— § 158-21 **Failure to obtain certificate; fine.**~~

~~In the event that a new buyer of any nonresidential property in the Borough of Middlesex fails to obtain a change of title certificate, the buyer shall be subject to a fine of \$500 and shall cease all business activities in the leased property until such time as a change of title certificate is obtained.~~

~~— § 158-22 **Enforcement.**~~

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

Mayor Madden opened the Public Hearing on Ordinance No. 2023-21. Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2023-21.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, 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).

Mayor Madden opened the Public Hearing on Ordinance No. 2024-21. Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2024-21.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, 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).

Mayor Madden opened the Public Hearing on Ordinance No. 2025-21.

Rich Rutkowski questioned whose idea it was for this ordinance.

Seeing that there was no further participation, Mayor Madden closed the public hearing on Ordinance No. 2025-21.

RESULT:	ADOPTED [5 TO 1]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Flood, Mikolajczyk, Rex
NAYS:	Quinn

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).

Mayor Madden opened the Public Hearing on Ordinance No. 2026-21.

Sheila Fuhrmann, 38 Whitney Drive commented that she sent an email with my questions to the Business Administrator and covered the Mayor and Council. I received a reply from the BA but do not think she addressed the issues.

She mainly stated the authority granted to her by The Administrative code.

Will restate the questions to you and the council at this time.

1. Why is this being proposed? What need was demonstrated to warrant this change?
2. Did the public indicate a desire to have this combined entity?
3. Who was involved in the review to determine the two departments should be merged? Was input sought from the public prior to the writing of the ordinance?
4. The two departments are the only departments concerned with Quality of Life issues. Why if they have worked in the past are they being changed?
5. The wording of the last point in the proposal is very poor. It raises a concept that should not be in this at all. The Business Administrator agrees that the phrasing is "poorly worded", her choice of words. She further says "It can be cleaned up at a future time". Why not now? That is indicative of sloppy work. I believe the Mayor and Council deserve better.
- 6 This is not a matter of great urgency. Why can't it be tabled until we have experience with the departments' activity post pandemic?

Rich Rutkowski thanked Sheila Fuhrmann for her well written statement.

Seeing that there was no further public participation, Mayor Madden closed the public hearing on Ordinance No. 2023-21.

RESULT:	ADOPTED [4 TO 2]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Quinn, Rex
NAYS:	Flood, Mikolajczyk

ADOPTION OF MINUTES

1. Approval of the February 9, 2021 Regular Meeting Minutes

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

2. Approval of the February 23, 2021 Regular Meeting Minutes

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

MAYOR'S REPORT

No report was given.

COUNCIL MEMBER REPORTS

Council President Eodice

Council President Eodice made the following comments:

- SWAC meeting was today
- Acknowledging the great work the students and Middlesex Elks did at the food drive a few weeks ago.

Councilman Carnes

Councilman Carnes made the following comments:

- Joint Land Use Board has a meeting March 10, 2021.
- Culture & Heritage Committee received an official letter stating the denial from the Middlesex County Art and History Division. Carl Sanderson will be resigning from the committee. Next meeting will be April 7, 2021.
- Recreation Committee Easter Drive will be March 27, 2021, and Food Truck Festival will be October 9, 2021.
- Board of Education's decision to reopen schools has been met with a lot of positivity

Councilwoman Flood

BOE: The Middlesex Board of Education met on March 8, 2021 at 7pm. Several presentations were given. Dr. Williams spoke about preparations for moving students to a possible full day beginning in the fourth quarter of the school year.

BOFO: Tonight we accept Joe Eckert as a qualified driver of Engine 21 for 2021. Rich Malt has submitted paperwork for Life Membership effective 1/1/21. We welcome Anthony Cardinal as a Junior Member of the Middlesex Fire Department.

OEM: A remote meeting is scheduled for Thursday, March 11, at 12pm with the County. Questions concerning FEMA reimbursement for Covid expenses will be addressed.

SWAC: Solid Waste Advisory Council met briefly today. Several members were on vaccine sites.

Finally, congratulations to Sergeant Johnson for your more than 26 years of service. Thank you for keeping Middlesex Safe and I wish you well in retirement.

Councilman Mikolajczyk

Councilman Mikolajczyk made a comment expressing his desire for the Council to start meeting in public.

Councilman Quinn

Councilman Quinn made the following comments:

- Shade tree will meet on Thursday.
- DPW is still having issues with the Recycling Company.

Councilman Rex

There was a Board of Health Microsoft Team meeting on March 4h. He experienced WiFi issue so he was disconnected from the meeting for periods of time.

Board of Health's new President, Amelia Sherr, had a powerful impressive presentation given to John Pulomena; County Administrator; John Carroll, County Director of Government & Public Affairs; Lester Jones, County Health Director/Health Officer; Councilman Douglas Rex; Borough Administrator Marcia Karrow; Michael Conahan, Vice President Board of Health, and Amelia Sherr, President Board of Health.

The Middlesex Board of Health has been reaching out to Mr. Lester Jones, since 2019, to address concerns and questions for the BOH. Initial requests for in person attendance was changed to teleconference BOH meetings. Mr. Jones did not reply to any email correspondence nor return any phone calls. The BOH felt the following County BOH Administrative responsibility is not functioning. Our Environmental Reports are on Excel Spreadsheets with data for every town covered by Middlesex BOH, which are just numbers with no explanation of what they mean. Mr. Mickey Gross, head of the division, attended the February 2020 BOH meeting and was unable to explain last quarter environmental reports from 2019 and deferred this to his Supervisor, Mr. Jones.

Program Planning.: Even though our BOH recognizes some of our community needs, there is no one at the county to address our concerns for COVID Statics for Middlesex and on the State website.

Evaluation of Organization Effectiveness: Need report on how the Middlesex BOH is functioning. The Goal is to consult with our health officer about long range planning of public health needs. Nonexistent communication with our Health Officer makes this impossible. Basic services are not being provided. Meeting concluded with the County Administrator and his staff saying that County will improve their lines of communication and address the concerns the Middlesex BOH expressed.

ADMINISTRATOR'S REPORT

Administrator's Report

March 9, 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. *Revaluation extension
 - ii. *Outdoor dining permit extension
 - iii. *Recycling issues
 - iv. *Midmarket Annual Service Charge (Pilot)

PRIVILEGE OF THE FLOOR

Mayor Madden opened the public portion of the meeting and asked the Borough Clerk if she received any comments by email.

The Borough Clerk read a comment from Ms. Betty Platten:

Why have four salaries in the salary ord. for Rec. Dir., Deputy Rec. Dir., Part Time Asst. Rec. Dir. and Office of Aging Director when the council voted to combine the two Depts.?

Why is there a full/part time job ad for a Rec Director on the town website?

Seeing that the Borough Clerk stated that this was the only comment that she received, Mayor Madden asked if there were any comments from the public.

Scott Johnson thanked the Mayor and Council for accepting his resignation this evening and also thanked the governing body for being able to serve in this municipality. He stated that he has served his country, served his community, and now he is serving the Lord.

Mr. Henry Giron, 704 Bound Brook Road stated that he lives at 704 Bound Brook Rd. and I am the guy who is sitting all the way to the right in the picture on the "Mayor & Council" webpage (I shadowed Councilman Jack Mikolajczyk my Senior year of high school). The reason I am reaching out to you all is because of something that is very important to me. I am a member of Mission Baptist Church: The Stream. I don't know if you believe in miracles but I do. I think that being given a piece of land for FREE in Central New Jersey is nothing more than a miracle. That's exactly what happened to my church and we were given the building and land at 277 Lincoln Blvd, Middlesex, NJ for free. Our desire is for this warehouse/property to become the new site of our church since the building that we are currently gathering at (118 King George Rd, Warren, NJ) is becoming too small for us. I am aware that my pastors recently sent in the documentation and blueprints to someone in the council or someone who works in the municipal building of what we're hoping for our new church to look like. This is where I come in, as a citizen of Middlesex Borough: I ask that you can please help make this process easier and quick so that we can get to work on our new church building as soon as possible. The goal is to have the building ready for use by the end of this summer and I really want to see this goal come true. To be totally honest, it's a dream of mine to be able to help in the construction of my church. Everyone in our church is excited to get to work on this building, but first, we need the approvals from the town. So once again, I humbly request that you, the mayor and council can help turn this dream of mine (ours) into a reality. I would love to ride my bike to church in the summertime. I would love to invite my friends to church. I always wondered how I could serve my community and with this project and dream, I now know how. I don't want to construct a religious building, I want to construct a headquarters for service and grace. Our church's motto is "The Stream: a place of grace" and I believe that is what Middlesex (and our neighboring towns) need right now, especially in these confusing and overwhelming times. My birthday is also this Friday, March 12th, so if you want to make me the happiest 19 year old in the world, helping this abandoned warehouse become a lively church ready to be used within this year will be enough. Thank you

very much for hearing me out and I have faith that this dream will become a reality. God bless!

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [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 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:	ADOPTED 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 87-2021

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the January, 2021 Police Department Report
2. Acceptance of Board of Fire Officers Report which includes: Joe Eckert as a qualified driver of Engine 21 for the remainder of 2021; Rich Malt has submitted paperwork for Life Membership effective 1/1/21; and Anthony Cardinal has been accepted as a Junior Member of the Middlesex Fire Department.
3. Acceptance of the January-February Tax Totals Report

The Borough Clerk read the following resolution:

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

RESOLUTION 88-2021

REIMBURSEMENT OF ANIMAL LICENSE FEES

The below individuals are being issued a refund in the following amounts due to insufficient rabies vaccines.

Name	Address	Amount to be Refunded
Monika Hassler	135 Harris Avenue	\$5.00
Paul Augusztin	335 Grant Avenue	\$10.00
Mike Parisi	120 Nutwood Avenue	\$13.00
Nicole Swain	9 Garden Place	\$10.00
Anthony Vitelli	111 Lee Drive	\$10.00

The Borough Clerk read the following resolution:

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

RESOLUTION 89-2021

**ACCEPTING THE RETIREMENT OF SERGEANT STEPHEN JOHNSON EFFECTIVE
JULY 1, 2021**

The Mayor and Council hereby accept the retirement of Sergeant Stephen Johnson effective July 1, 2021 and agree to have Sergeant Johnson use his terminal leave, vacation time and

16 hours of compensation time effective March 1, 2021. Final separation benefits will be accepted at the June 29, 2021 Regular Meeting.

The Borough Clerk read the following resolution:

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

RESOLUTION 90-2021

HIRING OF PATRICIA ANN DELLBENE-O'MARA AS A FLOATING SCHOOL CROSSING GUARD AT \$14.75 PER HOUR

At the recommendation of Chief Geist, the Governing Body hereby hires Patricia Ann Dellbene-O'Mara, Piscataway, New Jersey as a floating School Crossing Guard at \$14.75 per hour.

Ms. Dellbene-O'Mara has been investigated by the Middlesex Police Department and meets all of the requirements for the position.

The Borough Clerk read the following resolution:

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

RESOLUTION 91-2021

ENDORING MAYORS FOR "MAIN STREET" IN OPPOSITION TO ASSEMBLY BILL 1571/1576 AND SENATE BILL 1956 - *Item Removed from Consent*

WHEREAS, Mayors for "Main Street" is an alliance of 22 Mayors across 5 Counties who have announced that they will be joining Mayors across the State of New Jersey in expressing strong opposition to Assembly Bill 1571/1576 and Senate Bill 1956; and

WHEREAS, Assembly Bill 1571/1576 and Senate Bill 1956 would impose prevailing wage requirements on any property where a public body has provided, approved, or authorized a tax abatement or tax exemption; and;

WHEREAS, The economic incentive tool known as Payment in Lieu of Taxes (PILOTs) is the single most powerful instrument available to municipalities to encourage property owners and developers to revitalize and develop areas in need of redevelopment and spur economic development in blighted areas; and

WHEREAS, This economic tool has been vital in municipalities meeting their affordable housing requirements, environmental remediation, improvement to infrastructure and other capital projects, not to mention the economic spur it creates for our main streets; and

WHEREAS, Mayors for "Main Street" believe the increase in the costs of projects by requiring private property owners to pay prevailing wages for improvements to their properties will force greater strain on municipal officials by having them make further concessions in order to see these projects developed; and

WHEREAS, some concessions may include density beyond the needed density and building heights, as well as diminish the greatest feature of PILOTs, increased revenue to municipalities to stabilize taxes; and

WHEREAS, Mayors for “Main Street” believe this bill is counterproductive to the State’s requirement of inclusionary units in these developments and also hinders future development and economic growth in New Jersey’s main streets; and

WHEREAS, impact of COVID-19 has left our main streets in an economic downturn and municipalities need any and all incentives for economic growth now, more than ever; and

WHEREAS, Mayors for “Main Street” call upon the entire General Assembly and State Senate to oppose Assembly Bill 1571/1576 and Senate Bill 1956, and that if it reaches Governor Murphy’s desk, we implore him to veto the bill; and

WHEREAS, the Governing Body hereby endorse Mayor Madden, on behalf of the Borough of Middlesex, to join on with Mayor’s for “Main Street” and oppose Assembly Bill 1571/1576 and Senate Bill 1956.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of Middlesex Borough, County of Middlesex, State of New Jersey, that the Governing Body hereby opposes Assembly Bill 1571/1576 and Senate Bill 1956 and authorize Mayor Madden to represent Middlesex Borough by joining on with Mayor’s for “Main Street” in opposition of said Assembly and Senate Bill.

RESULT:	ADOPTED BY CONSENT VOTE [4 TO 0]
MOVER:	James Eodice, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Eodice, Carnes, Flood, Rex
ABSTAIN:	Mikolajczyk, Quinn

The Borough Clerk read the following resolution:

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

RESOLUTION 92-2021

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX
ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE SENIOR CITIZEN/ DISABLED PERSON/ VETERAN TAX DEDUCTIONS**

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2020, and

WHEREAS, once property is sold the deduction remains on the property until the end of the year and/or prorated to new owner; and

WHEREAS the property has a sale date of 12/16/2020, and

WHEREAS the deduction was not removed as of 12/31/2020, and

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2021 year totaling \$250.00.

Name: Wnek, Donald

Block/Lot: 198 /11

Amount: \$250.00

Reason: Sale of Property and deduction not removed at end of 2020

The Borough Clerk read the following resolution:

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

RESOLUTION 93-2021

AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES FOR THE PROPERTY OWNER, ARMY CORPS OF ENGINEERS, OF BLOCK 252 LOT 10

WHEREAS, the Army Corps of Engineers is purchasing properties in the Borough of Middlesex due to the flood control project; and

WHEREAS, the Army Corps is exempt from paying property taxes, and,

WHEREAS, the purchase of Block 252 Lot 10 was sold on 12/11/2020; and,

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel

1st & 2nd Qtr 2021 taxes on Block 252 Lot 10 in the following amounts;

2021 1 \$2,308.39

2021 2 \$2,308.39

The Borough Clerk read the following resolution:

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

RESOLUTION 94-2021

AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES FOR THE PROPERTY OWNER, ARMY CORPS OF ENGINEERS, OF BLOCK 252 LOT 18

WHEREAS, the Army Corps of Engineers is purchasing properties in the Borough of Middlesex due to the flood control project; and

WHEREAS, the Army Corps is exempt from paying property taxes, and,

WHEREAS, the purchase of Block 252 Lot 18 was sold on 12/10/2020; and,

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel

1st & 2nd Qtr 2021 taxes on Block 252 Lot 18 in the following amounts;

2021 1 \$2,287.19

2021 2 \$2,287.19

The Borough Clerk read the following resolution:

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

RESOLUTION 95-2021

**AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES FOR THE PROPERTY
OWNER, ARMY CORPS OF ENGINEERS, OF BLOCK 246 LOT 2**

WHEREAS, the Army Corps of Engineers is purchasing properties in the Borough of Middlesex due to the flood control project; and

WHEREAS, the Army Corps is exempt from paying property taxes, and,

WHEREAS, the purchase of Block 246 Lot 2 was sold on 12/30/2020; and,

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel

1st & 2nd Qtr 2021 taxes on Block 246 Lot 2 in the following amounts;

2021 1 \$1,705.39

2021 2 \$1,705.38

The Borough Clerk read the following resolution:

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

RESOLUTION 96-2021

**THE TAX COLLECTOR IS AUTHORIZED TO ISSUE TAX TITLE LIEN REDEMPTIONS
FOR BLOCK 86 LOT 6.01 IN THE AMOUNT OF \$8,282.63**

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for March 9th, 2021 and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale: 12/2/2020
Block/Lot: 86 / 6.01 / C0001
Amount: \$8,282.63
Premium: \$10,000
Certificate: 19-00020
Payable To: US Bank Cust Tower DB X Tower
50 South 16th St.
Suite 2050
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

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

RESOLUTION 97-2021

NOTICE OF INTENTION TO DONATE BLOCK 247, LOT 1 (TRACT 701E) TO THE U.S. ARMY CORPS OF ENGINEERS FOR A FLOOD PROTECTION LEVEE EASEMENT -

Item Removed from Consent

WHEREAS, the Borough of Middlesex has been advised of its right to receive just compensation for Easement Tract 701E; and

WHEREAS, the above-mentioned Flood Protection Levee Easement is required by the United States Army Corps of engineers, on behalf of the New Jersey Department of Environmental Protection, to construct a portion of the Green Brook Flood Risk Mngement Project; and

WHEREAS, the Borough of Middlesex has agreed to donate the real property required for construction and maintenance of project improvements.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of Middlesex Borough hereby agrees to donate said easement across said property to the United States Army Corps of Engineers. The Borough of Middlesex further agrees to grant to the United States of America and the State of New Jersey the right of immediate occupancy and use of the easements needed to construct and maintain the project features, from and after acceptance of this agreement until such time as said easements are conveyed to the State of New Jersey.

RESULT:	ADOPTED 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 98-2021

**AUTHORIZING THE MAYOR AND POLICE CHIEF TO EXECUTE THE SPECIALIZED
INVESTIGATIVE LAW ENFORCEMENT EQUIPMENT MEMORANDUM OF
UNDERSTANDING BETWEEN THE MIDDLESEX COUNTY PROSECUTOR'S OFFICE
AND THE MIDDLESEX POLICE DEPARTMENT**

The Governing Body hereby authorizes the Mayor and Police Chief to execute the Memorandum of Understanding by and between the Middlesex County Prosecutor's Office and the Middlesex Police Department for the use of Specialized Investigative Law Enforcement Equipment owned and maintained by the County of Middlesex and the Middlesex County Prosecutors Office for the period of January 1, 2021 to December 31, 2021.

The Borough Clerk read the following resolution:

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

RESOLUTION 99-2021

**AUTHORIZING THE MAYOR AND POLICE CHIEF TO EXECUTE THE ANNUAL USER
AGREEMENT FOR THE MIDDLESEX POLICE DEPARTMENT TO UTILIZE THE
MIDDLESEX COUNTY POLICE FIREARMS RANGE FACILITY**

The Governing Body hereby authorizes the Mayor and Police Chief to execute the Annual User Agreement which has been instituted collectively by the Middlesex County Prosecutor's Office, the Township of Woodbridge and the Woodbridge Police Pistol and Rifle Association. This Annual User Agreement will authorize the Middlesex Police Department to utilize the Police Firearms Range Facility for the period of January 1, 2021 to December 31, 2021.

The Borough Clerk read the following resolution:

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

RESOLUTION 100-2021

**APPROVING AN AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND
MEGA BITE! EVENTS FOR THE MIDDLESEX BORO FOOD TRUCK FESTIVAL TO BE
HELD ON OCTOBER 9, 2021**

The Governing Body hereby authorize the Mayor to execute the Agreement between Middlesex Borough and MegaBite! Events for the Middlesex Fall Food Truck Festival to be held on October 9, 2021.

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 101-2021

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:	Jack Mikolajczyk, 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 23, 2021

Respectfully yours,

Borough Clerk