Borough of Middlesex

Mayor and Council Regular Meeting

~ Agenda ~

1400 Mountain Avenue
Middlesex, NJ

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

Tuesday, May 11, 2021 **7:00 PM** **Recreation Center**

I. 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.

II. SALUTE TO FLAG

III. ROLL CALL

Attendee Name	Present	Absent	Late	Arrived
Mayor John Madden	☐	☐	☐	
Council President James Eodice	☐	☐	☐	
Councilman Jeremiah Carnes	☐	☐	☐	
Councilwoman Amy Flood	☐	☐	☐	
Councilman Jack Mikolajczyk	☐	☐	☐	
Councilman Martin Quinn	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Administrator Marcia Karrow	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

IV. PRESENTATIONS

V. APPOINTMENTS

VI. PROCLAMATIONS

1. Older Americans Month - May, 2021

2. National Police Week - May 9 - 16, 2021

VII. ORDINANCE(S) FOR INTRODUCTION

1. **Ordinance 2031-21** AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION, AS PER N.J.S.A. 40A:4-53, COVID-19 SPECIAL EMERGENCY

2. **Ordinance 2032-21** AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS FIVE CANNABIS RETAILER WITHIN THE BOROUGH AND REPEALING AND REPLACING CHAPTER 321 (RECREATIONAL MARIJUANA) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO COMPLY WITH STATE LAW

3. **Ordinance 2033-21** AN ORDINANCE AMENDING SECTION 343-5 OF ARTICLE II OF CHAPTER 343 (SMOKING) SO AS TO ADD SMOKING OR AEROSOLIZING CANNABIS OR CANNABIS ITEMS TO THE LIST OF PROHIBITED CONDUCT

4. **Ordinance 2034-21** AN ORDINANCE CREATING A NEW CHAPTER 344 ENTITLED "SMOKING, CANNABIS LIMITATIONS" TO PROHIBIT SMOKING, VAPING, AEROSOLIZING, OR OTHERWISE CONSUMING CANNABIS OR CANNABIS ITEMS ON PUBLIC PROPERTY

VIII. ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

1. **Ordinance 2030-21** AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 244 JUNKYARDS AND JUNK DEALERS, SECTION 244-3 APPLICATION; FEES; BOND TO INCLUDE SECTION 244-3A(10)

IX. 2021 BUDGET INTRODUCTION

1. **Resolution 144-2021** Utilizing the Three-Year Average Method in Computing Certain Revenues in the 2021 Municipal Budget

2. **Resolution 145-2021** Introduction of the 2021 Municipal Budget

X. ADOPTION OF MINUTES

1. Approval of the April 27, 2021 Regular & Executive Meeting Minutes

XI. MAYOR'S REPORT

XII. COUNCIL MEMBER REPORTS

1. Council President Eodice
2. Councilman Carnes
3. Councilwoman Flood
4. Councilman Mikolajczyk
5. Councilman Quinn
6. Councilman Rex

XIII. ADMINISTRATOR'S REPORT

XIV. PRIVILEGE OF THE FLOOR

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

XV. NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS: Matters listed within the Consent Agenda have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action. The Resolutions listed below were submitted to the Borough Council for review and will be adopted by one motion.

1. **Resolution 146-2021** Award of Contract for Tree Trimming Service Second Year of Two Year Contract for Predator Tree Service

2. **Resolution 147-2021** Authorizing the Fire Department to Purchase 45 Protective Helmets in an Amount Not to Exceed $16,632.00

3. **Resolution 148-2021** Approval of Non-Serviceable Surplus Equipment and Authorize the Disposal of Same

4. **Resolution 149-2021** Approval for Amusement Machine Licenses for 2021/2022

5. **Resolution 150-2021** Approval of the 2020 Recycling Tonnage Grant Application

6. **Resolution 151-2021** Increasing the Director of Code Enforcement/Zoning Officer/Construction Office Manager for the Borough of Middlesex, Joseph Costa's Annual Salary to $55,000.00 Based on Additional Hours Added to Current Work Schedule

XVI. NON-CONSENT AGENDA/RESOLUTIONS: Matters listed within the Non-Consent Agenda will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion. The Resolutions listed below were submitted to the Borough Council for review and will be adopted individually by motion.

1. **Resolution 152-2021** Pay All Claims

XVII. AGENDA WORKSHOP ITEM

XVIII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held at the end of the meeting. Individuals commenting from the audience will be provided an opportunity to address the Council but will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given an opportunity to speak on behalf of all of the members of the group. The Council, pursuant to the Open Public Meeting Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Mayor or appropriate Borough representative for resolution.

XIX. EXECUTIVE SESSION

XX. ADJOURNMENT

1. The next Regular Meeting will be May 25, 2021

PROCLAMATION

Older Americans Month - May, 2021

WHEREAS, Middlesex Borough includes a growing number of older Americans who have built resilience and strength over their lives through successes and difficulties; and

WHEREAS, Middlesex Borough benefits when people of all ages, abilities, and backgrounds are included and encouraged to share their successes and stories of resilience; and

WHEREAS, Middlesex Borough recognizes our need to nurture ourselves, reinforce our strength, and continue to thrive in times of both joy and difficulty; and

WHEREAS, Middlesex Borough can foster communities of strength by:

- creating opportunities to share stories and learn from each other;
- engaging older adults through education, recreation, and service; and
- encouraging people of all ages to celebrate connections and resilience.

NOW THEREFORE, I, JOHN L. MADDEN, Mayor of the Borough of Middlesex, hereby proclaim May, 2021 to be Older Americans Month and urge every resident to recognize older adults and the people who support them as essential contributors to the strength of our community.

DATED: May 11, 2021

_____
Linda Chismar, RMC

_____
Mayor John L. Madden

PROCLAMATION

National Police Week - May 9 - 16, 2021

WHEREAS, Congress and the President of the United States have designated May 15, 2021 as **"Peace Officers' Memorial Day"** and the week in which it falls as **"National Police Week"**; and

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Middlesex Borough Police Department; and

WHEREAS, the members of our law enforcement agency of Middlesex Borough play an essential role in safeguarding the rights and freedoms of our citizens, merchants and visitors; and

WHEREAS, it is important for all citizens to know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting against violence and disorder, and by protecting the innocent against deception and the weak against oppression and exploitation; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 33nd Annual Candlelight Vigil on the evening of May 13, 2021;

NOW, THEREFORE, I, John L. Madden, Mayor of the Borough of Middlesex, call upon our citizens and all patriotic, civic, and educational organizations to observe the week of May 9-16, 2021 as **NATIONAL POLICE WEEK** recognizing all 1aw enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

I further call upon all citizens to observe May 15, 2021 as "**Peace Officers' Memorial Day**" to honor our law enforcement officers who have made the ultimate sacrifice in service to their community or have been disabled in the performance of their duties, and let us recognize and pay respect to the survivors of our fallen heroes.

DATED: May 11, 2021

Linda Chismar, RMC

Mayor John L. Madden

ORDINANCE #2031-21

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION, AS PER N.J.S.A. 40A:4-53, COVID-19 SPECIAL EMERGENCY

BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, that pursuant to N.J.S.A. 40A:4-53(m) (Ch.144, P.L. 1965 as amended, including Ch. 46, P.L. 2010 and P.L. 2020 c.74) the sum of $129,026.75 is hereby appropriated for COVID-19 affected Community Swim Pool revenue losses and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

The amount to finance the appropriation shall be provided for in succeeding annual budgets beginning in 2022 by inclusion of at least one-fifth (1/5) of the amount authorized pursuant to the act (N.J.S.A. 40A:4-55).

BE IT FURTHER ORDAINED that this ordinance shall take effect at the time and manner provided by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

INTRODUCED: May 11, 2021

DATE OF PUBLICATION:
OF INTRODUCTION May 14, 2021

ORDINANCE #2032-21

AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS FIVE CANNABIS RETAILER WITHIN THE BOROUGH AND REPEALING AND REPLACING CHAPTER 321 (RECREATIONAL MARIJUANA) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO COMPLY WITH STATE LAW

WHEREAS, in 2020's general election, New Jersey voters approved a ballot measure supporting the legalization of recreational marijuana for persons at least 21 years of age; and

WHEREAS, the issue of recreational marijuana has been a prevalent topic in the New Jersey legislature since the election of Governor Phil Murphy in 2017; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

WHEREAS, the state-wide administrative body known as the Cannabis Regulatory Commission is tasked with overseeing the licensing process for applicants desiring to become involved with the recreational cannabis marketplace; and

WHEREAS, the Act establishes six classes of businesses for licensure:

Class 1- cultivators, for facilities involved in growing and cultivating cannabis;

Class 2- manufacturing and packaging, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3- wholesaling, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4- distributing, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another, or cannabis items in bulk between any type of licensed cannabis business;

Class 5- retailing, for locations at which cannabis and cannabis items and related supplies are sold to consumers; and

Class 6- delivery services, for businesses providing courier services for consumer purchases; and

WHEREAS, the Act authorizes municipalities to adopt regulations governing the number of licensed cannabis establishments, distributors, or delivery services, as well as the location, manner, and times of operation of establishments and distributors but not times of operation for delivery services, as well as regulations establishing civil penalties for violation of an ordinance governing the number of cannabis establishments, distributors, or delivery services that may operate in such municipality, or their location, manner, or the times of operations; and

WHEREAS, the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Act states that any such ordinance must be adopted within 180 days of the effective date of the Act; and

WHEREAS, the failure to enact such an ordinance shall mean that, for a period of five years, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis and cannabis items to consumers shall be permitted in commercial and retail zones; and

WHEREAS, at the conclusion of the initial five-year period following the failure to enact such an ordinance, the municipality shall have another 180-day period to enact an ordinance, but said ordinance would be prospective only and not be applicable to any existing cannabis establishments; and

WHEREAS, any ordinance enacted by a municipality prior to the effective date of the Act addressing recreational cannabis within its jurisdiction are made null and void by virtue of the act; and

WHEREAS, existing Chapter 321 (Recreational Marijuana) of the Code of the Borough of Middlesex is now null and void; and

WHEREAS, the Administration and Council of the Borough of Middlesex have determined that the retail sale of cannabis or cannabis items within Borough jurisdiction would be detrimental to the public health, safety, and welfare of the Borough and its residents; and

WHEREAS, all Class Five licensees (retailers) would be prohibited from operating anywhere in the Borough but other classes of cannabis businesses would be permitted to the extent allowed by the Borough's Zoning Ordinance, Chapter 420 of the Borough Code; and

WHEREAS, the Borough of Middlesex and its officials, due to the uncertainty of potential future impacts of allowing cannabis retailers within its jurisdiction, have determined that the prudent course of action is to allow sufficient time to carefully review all aspects of the Act and its impacts before permitting cannabis retailers to operate within the Borough;

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

SECTION I.
Pursuant to the authority granted to the Borough by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, all class five cannabis retailers are hereby prohibited from operating anywhere in the Borough of Middlesex.

SECTION II.

The code of the Borough of Middlesex is hereby amended by adding to the list of prohibited uses throughout the Borough all class five cannabis retailers. To effectuate this prohibition, the Borough hereby repeals and replaces the existing Chapter 321 of the Borough code with an

updated prohibition on cannabis retailing.

SECTION III.

The new title of Chapter 321 shall be amended and read as: "Chapter 321 (Recreational Cannabis Retailing)"

SECTION II.

The current Chapter 321, currently Sections 321-1 through 321-5, is hereby repealed and replaced by a new Chapter 321, and shall be caused to appear in the Borough's Code as follows:

SECTION III.
Section 321-1 is hereby newly created and entitled "Recreational Cannabis" and shall read as follows:

All Class Five Cannabis Retailers, as defined in the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) are hereby prohibited from operating anywhere in the Borough of Middlesex. Such retail establishments are a prohibited use in all zones.

The remaining classes of cannabis businesses are only permitted to operate to the extent allowed by the Borough's zoning ordinance, Chapter 420, in the zones in which such uses are expressly permitted. However, nothing shall prohibit the delivery of cannabis items and related supplies by a delivery service, as stated in the Act.

SECTION IV.

Section 321-2 is hereby newly created and entitled "Medical Marijuana" and shall read as follows:

Nothing in this chapter shall prohibit the operation of alternate treatment centers ("ATC") pursuant to the New Jersey Compassionate Use Medical Marijuana Act. N.J.S.A. 24:61-1 et seq., provided that no ATC shall also hold a license as a marijuana retail establishment for the purposes of dispensing marijuana for recreational consumption.

SECTION V.

Any ordinances or parts thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI.

If any such section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply 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 otherwise prescribed by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

INTRODUCED: May 11, 2021

DATE OF PUBLICATION:
OF INTRODUCTION May 14, 2021

ORDINANCE #2033-21

AN ORDINANCE AMENDING SECTION 343-5 OF ARTICLE II OF CHAPTER 343 (SMOKING) SO AS TO ADD SMOKING OR AEROSOLIZING CANNABIS OR CANNABIS ITEMS TO THE LIST OF PROHIBITED CONDUCT

WHEREAS, in 2020's general election, New Jersey voters approved a ballot measure supporting the legalization of recreational marijuana for persons at least 21 years of age; and

WHEREAS, the issue of recreational marijuana has been a prevalent topic in the New Jersey legislature since the election of Governor Phil Murphy in 2017; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

WHEREAS, the Administration and Council of the Borough of Middlesex has already determined that the licensing of retail cannabis establishments within the Borough would be detrimental to the public health, safety, and welfare of the Borough and its residents pursuant to Chapter 321 of its Municipal Code; and

WHEREAS, the Act already provides that the fines or civil penalties that may be assessed for the smoking of tobacco in designated places under the New Jersey Smoke-Free Air Act shall be applicable to the smoking, vaping, or aerosolizing of cannabis items; and

WHEREAS, the Smoke-Free Air Act allows a municipality to bring actions in the name of their local board of health for smoking tobacco or cannabis in areas open to the public; and

WHEREAS, the existing Chapter 343 concerning smoking tobacco needs to be updated to include the smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items as prohibited conduct;

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 Section 343-5 of the Municipal Code of the Borough of Middlesex is hereby amended as follows:

SECTION I.

Section 343-5 entitled "Smoking prohibited" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

Smoking shall be prohibited at all times in all enclosed public places within the Borough of Middlesex, including, but not limited to, the following places:

A.

All enclosed areas available to and customarily used by the general public and all areas of

business establishments and nonprofit entities generally accessible to the public, including, but not limited to, the public areas of retail stores, banks, offices, movie theaters, laundromats, hotels, motels, sports arenas, and bowling facilities.

B.

All restaurants and bars in accordance with N.J.S.A. 26:3E-7 to 26:3E-13 are exempt from this article. [Amended 5-14-2002 by Ord. No. 1558]

C.

All outdoor areas within ten linear feet from any and all entrances and exits of any and all enclosed indoor areas where smoking is prohibited, to ensure that tobacco smoke does not enter the smoke free indoor areas through entrances, windows, ventilation systems, or any other means.

D.

All rest rooms, lobbies, reception areas, hallways, elevators, service lines, and any other common-use areas in enclosed public places.

E.

All polling places.

F.

All lobbies, hallways, elevators, and other common areas of multiunit residential buildings, including, but not limited to, apartment buildings, condominiums, town houses, trailer parks, retirement facilities, and nursing homes.

G.

All buses, taxis, other means of public transit and waiting areas of public transit depots, and limousine and car services.

H.

All private residences that are used as child-care or health-care facilities.

I.

All health-care facilities, including but not limited to, clinics, physical therapy facilities, and offices of doctors, dentists, chiropractors, and psychiatrists.

J.

All enclosed facilities owned, leased, or operated by the Borough of Middlesex.

K.

All museums, galleries, and libraries.

L.

All auditoriums, stages, performance halls or any venue wherein performance and demonstration occurs.

M.

Sports arenas and gymnasiums.

N.

Schools.

O.

All lobbies, hallways, or common areas of multiunit commercial facilities.

For the purposes of this Chapter, **"smoking" shall include the smoking of tobacco or tobacco products and the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis items.**

SECTION II.

Any ordinances or parts thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III.

If any such section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply 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 its passage and publication as otherwise provided for by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

INTRODUCED: May 11, 2021

DATE OF PUBLICATION:
OF INTRODUCTION May 14, 2021

ORDINANCE #2034-21

AN ORDINANCE CREATING A NEW CHAPTER 344 ENTITLED "SMOKING, CANNABIS LIMITATIONS" TO PROHIBIT SMOKING, VAPING, AEROSOLIZING, OR OTHERWISE CONSUMING CANNABIS OR CANNABIS ITEMS ON PUBLIC PROPERTY

WHEREAS, in 2020's general election, New Jersey voters approved a ballot measure supporting the legalization of recreational marijuana for persons at least 21 years of age; and

WHEREAS, the issue of recreational marijuana has been a prevalent topic in the New Jersey legislature since the election of Governor Phil Murphy in 2017; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (CREAMM Act), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

WHEREAS, the Administration and Council of the Borough of Middlesex has already determined that the licensing of retail cannabis establishments within the Borough would be detrimental to the public health, safety, and welfare of the Borough and its residents pursuant to Chapter 321 of its Municipal Code; and

WHEREAS, the Act already provides that the fines or civil penalties that may be assessed for the smoking of tobacco in designated places under the New Jersey Smoke-Free Air Act shall be applicable to the smoking, vaping, or aerosolizing of cannabis items; and

WHEREAS, the Smoke-Free Air Act allows a municipality to enact an ordinance preventing an individual from smoking or carrying lighted tobacco in any public place, including, but not limited to, places of public accommodation; and

WHEREAS, municipalities are given the discretion to enact an ordinance making it unlawful for any person who is of legal age to consume a cannabis item in a manner not from smoking, vaping, or aerosolizing in a public place, as well;

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 a new Chapter entitled "Smoking, Cannabis Limitations" shall be inserted as Chapter 344 of the Municipal Code of the Borough of Middlesex and shall read as follows:

SECTION I.

Chapter 344-1 is hereby created and entitled "Findings/Purpose" and shall read as follows:

The purpose of this Chapter is to regulate the use and consumption of cannabis and cannabis items in public places, as discussed in Section 46 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Pursuant to Section 46 and N.J.S.A. 26:3D-65(a), a municipality may, by ordinance, fine an individual who smokes or

carries lighted cannabis, or consumes cannabis not by smoking, vaping, or aerosolizing, in any public place.

For purposes of this section, "public place" means "any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area."

In connection therewith, the Borough of Middlesex finds that in public places, the right of nonsmokers to breathe clean air outweighs the right of smokers to smoke, and also finds that the consumption of cannabis in public places in inimical to the health, safety, and welfare of the Borough and its residents.

SECTION II.

Chapter 344-2 is hereby created and entitled "Cannabis Limitations" and shall read as follows:

No person shall engage in the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis items in a public place as defined in this Chapter.

SECTION III.

Chapter 344-3 is hereby created and entitled "Signs" and shall read as follows:

"No smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items" signs adequately providing notice of the prohibition on the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis items shall be clearly, sufficiently, and conspicuously posted in all public places affected by this section. Such signs shall also indicate that violators are subject to the penalty provisions of this Chapter.

SECTION IV.

Chapter 344-4 is hereby created and entitled "Violations and Penalties" and shall read as follows:

Pursuant to N.J.S.A. 26:3D-65(a) and Section 46 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, any person who violates this Chapter by smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items in a public place is subject to a civil penalty of up to $200, which shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the "Penalty Enforcement Law of 1999," (P.L. 1999, c. 274) (C.2A:58-10 et. seq.).

SECTION V.

Any ordinances or parts thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI.

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

SECTION VII.

This ordinance shall take effect upon its passage and publication as otherwise provided for by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

INTRODUCED: May 11, 2021

DATE OF PUBLICATION:
OF INTRODUCTION May 14, 2021

ORDINANCE #2030-21

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 244 JUNKYARDS AND JUNK DEALERS, SECTION 244-3 APPLICATION; FEES; BOND TO INCLUDE SECTION 244-3A(10)

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

Section 244-3A shall be amended to include (10) and read as follows:

(10) State any criminal record of the applicant or officers including any arrests or past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

INTRODUCED: April 27, 2021

DATE OF PUBLICATION:
OF INTRODUCTION April 30, 2021

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #144-2021

UTILIZING THE THREE-YEAR AVERAGE METHOD IN COMPUTING CERTAIN REVENUES IN THE 2021 MUNICIPAL BUDGET

WHEREAS, the State of New Jersey, Division of Local Government Services now requires a resolution, from municipalities that desire to use a three-year average for the calculation of affected revenues in other operating funds, as provided under Section 1 of P.L. 2020, c.74 which amended N.J.S.A. 40A:4-26, for the 2021 Municipal Budget Year; and

WHEREAS, the need to use the three-year average method to compute certain anticipated revenues in the 2021 Budget Year is beneficial to the Borough, as well as necessary; and

WHEREAS, the selected anticipated revenues, and the three-year average amounts, are as follows:

Miscellaneous Revenue Anticipated:	Amount
Municipal Court Fines	$232,700.00
Swim Pool Utility:	**Amount**
Membership Fees	$227,200.00
Miscellaneous	$93,000.00

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, in the County of Middlesex and State of New Jersey, that it approves the utilization of the three-year average method in computing certain anticipated revenues in the Borough's 2021 Municipal Budget;

AND BE IT FURTHER RESOLVED that a certified copy of this resolution is to be forwarded to the Director of the Division of Local Government Services.

:

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #145-2021

INTRODUCTION OF THE 2021 MUNICIPAL BUDGET

BOROUGH OF MIDDLESEX
MIDDLESEX COUNTY, NEW JERSEY

BUDGET INTRODUCTION RESOLUTION

Municipal Budget of the Borough of Middlesex, County of Middlesex for the Year 2021.
BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;

BE IT FURTHER RESOLVED, that said Budget be published in the Courier News, NJ.

The Governing Body of the Borough of Middlesex does hereby approve the following as the Budget for the year 2021:

General Appropriations:	
Appropriations Within "CAPS"	$14,906,795.00
Municipal Purposes	
Appropriations Excluded from "CAPS"	$5,311,463.61
Municipal Purposes	
Reserve for Uncollected Taxes - Based on	
Estimated 98+ Percent of Tax	$775,000.00
Collections	
Total General Appropriations	$20,993,258.61
Less: Anticipated Revenues Other Than	
Current Property Tax	$7,088,346.03
Difference: Amount to be Raised by Taxation	
For Support of Municipal Budget	
Local Tax for Municipal Purposes Including	
Reserve for Uncollected Taxes	$13,904,912.58
Municipal Library Tax	$570,459.02
Included in Amount to be Raised by Taxation	
Swimming Pool Utility Operating Fund	
Total Swimming Pool Revenues	$518,035.37

Total Swimming Appropriations	$518,035.37

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex on May 11, 2021.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on June 15, 2021 at 7:00 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #146-2021

AWARD OF CONTRACT FOR TREE TRIMMING SERVICE SECOND YEAR OF TWO YEAR CONTRACT FOR PREDATOR TREE SERVICE

WHEREAS, three sealed bids were received on May 28, 2020 for the proposal for tree removal/trimming and stump grinding for a two (2) year contact from June 2020 through May 2022; and

WHEREAS, at the June 23, 2020 Council Meeting, approval was granted to award the contract to the lowest responsible, responsive bidder, Predator Tree Service; and

WHEREAS, the bid received by Predator Tree Service has met all the necessary requirements of the Borough during the first year; and

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

1. At the recommendation of the Purchasing Agent, the Mayor and Council hereby accepts the second year contract for tree removal/trimming and stump grinding for the period of 6/1/2021 - 5/31/2022, awarded to Predator Tree Service LLC of Green Brook, New Jersey, subject to the appropriation of funds in the 2021 and 2022 budget.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are appropriated in the 2021 adopted budget.

_____

Caroline Benson, Treasurer

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #147-2021

AUTHORIZING THE FIRE DEPARTMENT TO PURCHASE 45 PROTECTIVE HELMETS IN AN AMOUNT NOT TO EXCEED $16,632.00

WHEREAS, the Fire Department of the Borough of Middlesex wishes to purchase 45 protective helmets under the NJ State Contract #20-FLEET-01124; and

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

WHEREAS, NJ Fire Equipment Co. is under the NJ State Contract #20-FLEET-01124 for fire protective clothing and equipment; and

WHEREAS, the cost for the purchase of 45 protective helmets is not to exceed $16,632.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase 45 protective helmets from NJ Fire Equipment Co. under NJ State Contract #20-FLEET-01124 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed $16,632.00 is available from the 2018 Fire Department Capital Budget, Account No. C-04-18-947-000-075 in the amount of $13,499.85 and the 2019 Fire Department Capital Budget, Account No. C-04-19-979-000-075 in the amount of $3,132.15.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #148-2021

APPROVAL OF NON-SERVICEABLE SURPLUS EQUIPMENT AND AUTHORIZE THE DISPOSAL OF SAME

WHEREAS, the Borough of Middlesex has determined that the Middlesex Police Department has various items stored at the Police Station which has been rendered obsolete, broken, and no longer serviceable by the Police Department; and

WHEREAS, the Borough of Middlesex intends to dispose of said obsolete, broken and no longer serviceable items stored at the Police Station; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby declare the items stored at the Police Station to be non-serviceable as surplus and authorize their disposal, effective immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #149-2021

APPROVAL FOR AMUSEMENT MACHINE LICENSES FOR 2021/2022

The application for Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees. This license is valid until May 31, 2022.

End Zone Lounge 425 Bound Brook Rd.	(1) Pool Table (4) Amusement Machine (1) Music Machine	$350.00
Ferraro's Pizzeria & Pub 275 Lincoln Boulevard	(1) Music Machine	$150.00
American Legion 707 Legion Place	(1) Pool Table (1) Amusement Machine (1) Music Machine	$350.00
Tim Kerwin's Tavern 353 Bound Brook Rd.	(3) Amusement Machines (1) Music Machine	$350.00
	TOTAL	**$1200.00**

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #150-2021

APPROVAL OF THE 2020 RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2020 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Middlesex to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the Borough of Middlesex hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates David Sliker to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #151-2021

INCREASING THE DIRECTOR OF CODE ENFORCEMENT/ZONING OFFICER/CONSTRUCTION OFFICE MANAGER FOR THE BOROUGH OF MIDDLESEX, JOSEPH COSTA'S ANNUAL SALARY TO $55,000.00 BASED ON ADDITIONAL HOURS ADDED TO CURRENT WORK SCHEDULE

Effective May 10, 2021, the governing body hereby agrees to increase the Director of Code Enforcement/Zoning Officer/Construction Office Manager for the Borough of Middlesex, Joseph R. Costa's salary to $55,000.00 per year based on additional hours added to his work schedule.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.

Be it Resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that:

Resolution #152-2021

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.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on May 11, 2021.