



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, February 8, 2022

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

- 1. Accepting the Resignation of Kristin Bennett from the Recreation Committee Effective January 26, 2022
- 2. Appointing Jason Sabino as a Regular Member to the Recreation Committee
- 3. Appointing Laura Thomasey as Alternate #1 to the Recreation Committee

VI. PROCLAMATIONS

VII. ORDINANCE(S) FOR INTRODUCTION

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

- 1. **Ordinance 2051-22** AN ORDINANCE AMENDING CHAPTER 301 ENTITLED "PARKS AND RECREATION AREAS" TO REVISE THE FEE SCHEDULE APPLICABLE TO THE USE OF THE PARKS, FIELDS, AND COURTS OWNED BY THE BOROUGH OF MIDDLESEX

2. **Ordinance 2052-22** AN ORDINANCE AMENDING CHAPTER 359 TITLED "STREETS AND SIDEWALKS" TO CREATE AN ARTICLE V TITLED "ENFORCEMENT OF TITLE 39 ON PRIVATE PROPERTY" AND A NEW CHAPTER 359-24 TITLED "LOCATIONS FOR ENFORCEMENT" AND ADDING MIDDLESEX VILLAGE TOWNHOMES TO THE LOCATIONS FOR ENFORCEMENT

IX. ADOPTION OF MINUTES

1. Approval of the January 25, 2022 Regular Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

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

XII. ADMINISTRATOR'S REPORT

XIII. 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.

- XIV. 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 63-2022** Acceptance of Standing Reports
2. **Resolution 64-2022** Authorizing the Mayor to Execute the Agreement Between the New Jersey Transit Corporation and Middlesex Borough for the Installation and Maintenance of Bus Shelters
3. **Resolution 65-2022** Reimbursement of Dog License Fee in the Amount of \$10.00 to Siddharth Singh, 51 Cottonwood Ct, South Brunswick, NJ

4. **Resolution 66-2022** Authorizing the Mayor and Borough Clerk to Execute a Shared Service Agreement Between the Township of Greenbrook for Fire Services
5. **Resolution 67-2022** Authorizing the Mayor to Execute the Hazardous Waste Siting Fee Agreement between the Borough of Middlesex and Veolia, ES Technical Solutions, L.L.C.
6. **Resolution 68-2022** Approving of the Release of the Performance Bond in the Amount of \$137,285 and the Acceptance of the Irrevocable Standby Letter of Credit in the Amount of \$17,520 for the 5 Factory Lane (TEXAS PIPE) Improvement Project
7. **Resolution 69-2022** Authorizing the Tax Collector to Cancel the Balance of 1st Qtr. 2022 Taxes and 2nd Qtr. Taxes 2022 for Block 4 Lot 4
8. **Resolution 70-2022** 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
9. **Resolution 71-2022** Accepting the Resignation of Adriene Bacon from the Office of Senior Services
10. **Resolution 72-2022** Authorizing the Mayor to Execute the Estoppel Certificate With Reference to the Redevelopment Agreement and the Financial Agreement with CP Middlesex Urban Renewal, LLC

XV. 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 73-2022** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

XVII. 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.

XVIII. EXECUTIVE SESSION

1. **Resolution 74-2022** Executive Session

Public Safety - Municipal Grounds

Lease Negotiations - Rescue Squad

Litigation - Grammercy Gardens

XIX. ADJOURNMENT

1. The next Regular Meeting will be February 22, 2022

ORDINANCE #2051-22

AN ORDINANCE AMENDING CHAPTER 301 ENTITLED “PARKS AND RECREATION AREAS” TO REVISE THE FEE SCHEDULE APPLICABLE TO THE USE OF THE PARKS, FIELDS, AND COURTS OWNED BY THE BOROUGH OF MIDDLESEX

WHEREAS, it is the desire of the Borough of Middlesex to amend and revise the Borough’s current parks and recreation ordinance to introduce a new hourly fee schedule for the use of the parks, fields, and courts owned by the Borough.

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 301 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 301, Article I entitled “Use of Parks”, Sections 301-2, 301-3, 301-4, 301-5, and 301-7 are hereby amended as follows (bold and underlined text is to be added while strikethrough text is to be removed):

§ 301-2 Construction; word usage.

In the interpretation of this article and all succeeding park ordinances, the provisions shall be construed as follows:

- A. Any term in the singular shall include the plural.
- B. Any term in the masculine shall include the feminine and neuter.
- C. Any requirement or prohibition of any act shall, respectively, extend to and include the causing and procuring, directly or indirectly, of such act.
- D. No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the ~~Commission~~ **Department of Senior Services and Public Recreation** in line of duty or work, as such, or by any person, his agent or employees in the proper and necessary execution of the terms of any agreement with the ~~Commission~~ **Department of Senior Services and Public Recreation**.
- E. Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

§ 301-3 Territorial scope.

All Middlesex Borough park ordinances shall be effective within all the parks and lands under the administration of the ~~Commission~~ **Department of Senior Services and Public Recreation** and shall regulate the use thereof by all persons.

§ 301-4 Prohibited and restricted uses.

A. Animals.

- (1) No person shall cause or permit any animal owned by him, in his custody or under his control, to go or become at large.
- (2) Dogs shall be restrained by a leash not exceeding six feet in length.
- (3) No person shall hunt, molest, kill, wound, trap, take, chase, shoot, throw missiles at, remove or have in his possession any animal, reptile, bird or egg not owned by him, in his custody or under his control; nor shall he knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or egg.
- (4) No person over the age of 13 shall fish in any of the brooks, lakes and ponds bordering the parks unless he has a state license. No person shall kill, wound, discharge or throw missiles at any fish in such waters or place therein any piscivorous fish, poison or any other substances injurious to fish.

B. Disorderly conduct (N.J.S.A. 2A:170-1 to 170-96).

- (1) The possession or consumption of any alcoholic beverage by any person under the age of 21 in any public place or place of public assembly is prohibited. In addition, the consumption of any intoxicating beverage at recreational areas of Seneca, Simchock, Runyon fields, the tennis courts and any future developed athletic area in the Borough of Middlesex is prohibited, except by permit. Also, the possession or drinking of any intoxicating beverage by any person at any interscholastic athletic contest is prohibited.
- (2) No person shall throw stones or other missiles so as to annoy other persons. Games involving the throwing of missiles to be performed only in designated areas.
- (3) No person shall climb or stand upon any wall, fence, shelter, seat, statue or other erection.
- (4) No person shall litter in the park, or deposit on the ice or in the ponds any matter that would tend to damage the ice for skating or pollute the ponds.
- (5) No person shall fail to obey, nor shall any person interfere with, an officer in the proper performance of his duties.
- (6) No person shall remove or open permanent or temporary barriers, signs, directionals, gates or fences.
- (7) No persons shall drive, operate and/or park any vehicle upon any grass area unless specifically permitted to do so.
- (8) Golfing and the driving of golf balls is prohibited in all parks except Mountain View Park.

C. Explosives. No person shall bring into or have in his possession at said parks any explosives, including any substance, compound, mixture or article having properties of such a character that alone or in combination or conjunction with other substances or compounds may decompose suddenly and generate sufficient heat, gas or pressure or any or all of them to produce rapid flaming or combustion, or to administer a destructive blow to surrounding objects. Fireworks are excepted from this regulation, provided that written approval of the ~~Commission~~ **Department of Senior Services and Public Recreation**, local Police Department and State Department of Labor and Industry is secured for the specific occasion.

D. Firearms, weapons and tools; concealed weapons, according to N.J.S.A. 2A:151-41 to 2A:151-43. No person shall bring into or have in his possession:

- (1) Any pistol, revolver or objects upon which loaded or blank cartridges may be used. Official starters at authorized track and field events are excepted from this restriction.
- (2) Any tools, instruments, skeleton keys, picklocks, jimmy or other things known as burglar tools, except when authorized by law.
- (3) Any rifle, shotgun, air gun, spring gun, slingshot, bow, paint gun or other instrument or weapon in which the propelling force is a spring or air.

E. Fires.

- (1) No person shall kindle, build, maintain or use a fire, except in places designated for such a purpose.
- (2) All fires shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.
- (3) Gas stoves are permitted if a proper permit is obtained from the Bureau of Fire Prevention.
- (4) Fuel. Only charcoal, charcoal lighters or fuel provided by the park will be permitted.
- (5) No cigar, cigarette or lighted match shall be discarded carelessly or in a manner which may start a fire.

F. Closing hours.

- (1) All parks shall close at 9:00 p.m. from September 1 through May 31 and at 10:00 p.m. from June 1 through August 31, except where and when specific closing hours are permitted.
- (2) Because of the fact that Mountainview Park has provisions for night baseball and night football, Mountainview Park shall remain open until 11:00 p.m. on those days when baseball games and/or football games are in progress.

G. Opening hours. All parks shall open at sunrise, as defined by the U.S. Weather Bureau for the Somerville area, unless otherwise specified or designated by signs.

H. Vending. No person shall sell or offer for sale any object or merchandise or any other thing within the parks, except by permit of the ~~Commission~~ **Department of Senior Services and Public Recreation**.

I. Minors. No parent or guardian or custodian of any minor shall permit or allow him to do any act prohibited by this article.

J. Speed limit: Mountainview Park.

- (1) The speed limit for both directions of traffic along the roadway within Mountainview Park in the Borough of Middlesex shall be established at 15 miles per hour.
- (2) Regulating and warning signs shall be erected and maintained to effect the above designated speed limit as authorized by the Department of Transportation.

§ 301-5 Permitted uses and use regulations.

A. The following activities are permitted only at times and in areas so designated for that

purpose by the ~~Commission~~ **Department of Senior Services and Public Recreation** and are otherwise prohibited within the parks:

- (1) Swimming, bathing, wading, fishing.
- (2) Ice skating, sledding, skiing.
- (3) Model-airplane flying.
- (4) Boating on ponds, without motors.
- (5) Basketball, baseball, soccer.
- (6) Horseshoe pitching.
- (7) Tennis.
- (8) Picnicking.
- (9) Camping.
- (10) Football and track.

B. All persons using the facilities of the parks must obey the posted rules and regulations established for the proper, effective and safe utilization of the said facility.

C. Advertising. No person shall post, paint, affix, distribute, hand out, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement of any of the following without written permission of the ~~Commission~~ **Department of Senior Services and Public Recreation**:

- (1) Display any flag, banner, transparency, target, sign, placard or any other matter for advertising.
- (2) Operate any musical instrument, sound track or drum for advertising purposes, for the purpose of attracting attention to any exhibition, show, performance or other display.

D. Public speeches and rallies will be allowed in accordance with Chapter 292 , Parades and Other Assemblies, and after obtaining a parks permit.

E. Soliciting. No person shall solicit for any purpose except when allowed by permit and also must have a borough license.

F. No horse shall be driven or ridden in the parks except when allowed by permit.

§ 301-7 Permits.

A. A permit shall be necessary for any organization or group of people of 100 or more desiring to use the park facilities **and shall be subject to the appropriate fee schedules as set out in Article II and Article III in this Chapter.**

B. There will be a fee of \$1 charged for this permit, which will cover the cost of printing and issuing said permit.

C. Such permit authorizing a person or organization to use any of the parks may be granted upon application to the ~~Commission~~ **Department of Senior Services and Public Recreation**, by written approval.

D. All conditions of the permit approval must be adhered to, and any violation of the terms, conditions, rules and regulations and any falsifications shall constitute grounds for revocation of the permit by the Commission or its authorized representative.

E. If the group obtaining a permit intends to vend or sell alcoholic beverages, permission must be granted by the State Alcoholic Beverage Commission, the local Police Department and the ~~Commission~~ **Department of Senior Services and Public Recreation**.

F. In the event a person, group or organization is denied a permit by the Borough, said person, group or organization may appeal the denial of said permit to the Mayor and

Council by filing a written notice of appeal to the Mayor and Council within 48 hours after being officially notified of the denial of the permit by the Borough. The Mayor and Council shall thereafter, as soon as possible, schedule a hearing to ascertain all of the facts involving the application for the permit and the Mayor and Council may overrule the decision of the Borough and authorize the issuance of a permit.

Section II

Chapter 301, Article II entitled "Use of Athletic Facilities", Section 301-10 is hereby amended as follows (bold and underlined text is to be added while strikethrough text is to be removed):

§ 301-10 Permission required for use of certain facilities; fees.

~~A.~~ The use of the football field, running track and the girls field hockey field/soccer field is hereby prohibited, and these facilities **Haverstick Park, Charlie Morgan/Runyon Field, and Simchock Park ("Cook Fields") and its facilities** may be used only on a limited basis when permission for the use of same is obtained from the governing body **Department of Senior Services and Public Recreation.**

B. The following fee schedule shall apply to use of Haverstick Park, Charlie Morgan/Runyon Field, and Simchock Park ("Cook Fields") for Middlesex Borough nonsponsored recreational or governing body sanctioned recreational activities:

(1) Residents:

- (a) Shall pay a fee per hour for the use of Haverstick Park, Charlie Morgan/Runyon Field, and Simchock Park ("Cook Fields"). Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.
- (b) Shall pay a fee per hour for the use of the basketball courts and running track. Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.
- (c) These fees shall be subject to a \$1 increase per year which shall be as follows:
 - (1) 2022 - \$5 for Parks/Fields; \$1 for Courts
 - (2) 2023 - \$6 for Parks/Fields; \$2 for Courts
 - (3) 2024 - \$7 for Parks/Fields; \$3 for Courts
 - (4) 2025 - \$8 for Parks/Fields; \$4 for Courts
 - (5) 2026 - \$9 for Parks/Fields; \$5 for Courts (max)
 - (6) 2027 - \$10 for Parks/Fields (max)

*Resident teams or organizations are equivalent to 51% or more Borough residents.

(2) Nonresidents:

- (a) Shall pay a fee per hour for the use of Haverstick Park, Charlie Morgan/Runyon Field, and Simchock Park ("Cook Fields"). Such fee shall

be for one-hour blocks of time and may be obtained for multiple hour blocks.

- (b) Shall pay a fee per hour for the use of the basketball courts and running track. Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.
- (c) These fees shall be subject to a \$2 increase per year which shall be as follows:

- (1) 2022 - \$10 for Parks/Fields; \$2 for Courts
(2) 2023 - \$12 for Parks/Fields; \$4 for Courts
(3) 2024 - \$14 for Parks/Fields; \$6 for Courts
(4) 2025 - \$16 for Parks/Fields; \$8 for Courts
(5) 2026 - \$18 for Parks/Fields; \$10 for Courts (max)
(6) 2027 - \$20 for Parks/Fields (max)

Section III

Chapter 301, Article III entitled "Mountain View Park Regulations", Section 301-14 is hereby amended as follows (bold and underlined text is to be added while strikethrough text is to be removed):

§ 301-14 Regulations and fees for use of the park.

- A. Mountain View Park, a park within Middlesex Borough shall be open to the public from sunrise to 9:00 p.m. seven days per week, with the exception of May 31 through August 31 when the park will be open from sunrise to 10:00 p.m. seven days per week.
- B. Permits are always required for the use of all athletic fields for organized and/or team use.
- C. The following fee schedule shall apply to use of Mountain View Park for Middlesex Borough nonsponsored recreational or governing body sanctioned recreational activities:

(1) Residents:

- ~~(a) Teams 18 years old and under: \$10 per two-hour block.~~
~~(b) Teams 18 years old and over: \$20 per two-hour block.~~
~~(c) Seasonal pass, five or more dates (must present dates requested and insurance certificate): \$100. Seasons are March to May, June to August, and September to November of each year.~~

- (a) Shall pay a fee per hour for the use of the Mountain View Park Fields.
Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.

- (b) Shall pay a fee per hour for the use of the Mountain View Park Courts (flying field, horseshoe pits, basketball and tennis courts). Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.

- (c) These fees shall be subject to a \$1 increase per year which shall be as follows:

- (1) 2022 - \$5 for Parks/Fields; \$1 for Courts

(2) 2023 - \$6 for Parks/Fields; \$2 for Courts

(3) 2024 - \$7 for Parks/Fields; \$3 for Courts

(4) 2025 - \$8 for Parks/Fields; \$4 for Courts

(5) 2026 - \$9 for Parks/Fields; \$5 for Courts (max)

(6) 2027 - \$10 for Parks/Fields (max)

*Resident teams or organizations are equivalent to 51% or more Borough residents.

(2) Nonresidents:

~~(a) Teams 18 years old and under: \$20 per two-hour block.~~

~~(b) Teams 18 years old and over: \$40 per two-hour block.~~

~~(c) Seasonal pass, five or more dates (must present dates requested and insurance certificate): \$200. Seasons are March to May, June to August, and September to November of each year.~~

(a) Shall pay a fee per hour for the use of the Mountain View Park Fields. Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.

(b) Shall pay a fee per hour for the use of the Mountain View Park Courts (flying field, horseshoe pits, basketball and tennis courts). Such fee shall be for one-hour blocks of time and may be obtained for multiple hour blocks.

(c) These fees shall be subject to a \$2 increase per year which shall be as follows:

(1) 2022 - \$10 for Parks/Fields; \$2 for Courts

(2) 2023 - \$12 for Parks/Fields; \$4 for Courts

(3) 2024 - \$14 for Parks/Fields; \$6 for Courts

(4) 2025 - \$16 for Parks/Fields; \$8 for Courts

(5) 2026 - \$18 for Parks/Fields; \$10 for Courts (max)

(6) 2027 - \$20 for Parks/Fields (max)

(3) Light permit for high school fields for baseball teams or softball teams: \$15 per day

~~(4) Courts for basketball teams and tennis teams: \$5 per two-hour block.~~

~~(5) Flying field (seasonal permits only):~~

~~(a) Resident: \$15.~~

~~(b) Nonresident: \$30.~~

(6) (4) Maintenance fees for all baseball and/or softball fields (resident and nonresident):

(a) Friday evening or Saturday (single game): \$90 per hour.

(b) Saturday doubleheader: \$90 per hour.

(c) Sunday: \$180 per hour.

(d) Any rentals for play exceeding three games in a single day shall incur a charge of not less than \$90 per hour, two-hour minimum. Such fees shall be estimated prior to issuance of a permit and shall be payable at the time of permit

issuance.

D. Permits are always required for use of the picnic areas for groups of 10 or more people. Permits must be made 15 business days in advance.

E. The following fee schedule shall apply for the usage of picnic areas:

(1) Residents:

- (a) Group of 10 to 25: \$20.
- (b) Group of 26 to 50: \$40. Park maintenance fee: \$90.
- (c) Group of 51 to 100: \$80. Park maintenance fee: \$180.
- (d) Group of 101 to 200: \$100. Park maintenance fee: \$180.
- (e) Group of 201 to 300 plus: \$200. Park maintenance fee to be determined.

(2) Nonresidents:

- (a) Group of up to 25: \$40.
- (b) Group of 26 to 50: \$80. Park maintenance fee: \$90.
- (c) Group of 51 to 100: \$160. Park maintenance fee: \$180.
- (d) Group of 101 to 200: \$200. Park maintenance fee: \$180.
- (e) Group of 201 to 300 plus: \$400. Park maintenance fee to be determined.

F. Electricity fee: (resident and nonresident): \$10 per day.

G. Implementation of this fee schedule and scheduling the use of the park shall be the responsibility of the ~~Recreation Commission~~ and Department of Senior Services and Public Recreation. Summons will be issued for violations of any of the above permit requirements.

H. Parking:

- (1) Parking shall be prohibited on both sides of Van Ness Drive from Bound Brook Road to its intersection with the roadway that surrounds the park and the outlet from JFK Drive.
- (2) Parking, stopping or standing shall be prohibited on both sides of the roadway that surrounds the park and horseshoe pits.
- (3) Travel parking, stopping or standing shall be prohibited on the roadway that surrounds the basketball courts, tennis court, and hockey rinks.
- (4) Parking in Lots Two and Three shall be limited to three hours Monday through Friday, except legal holidays.
- (5) Parking on the grass shall be prohibited.

I. Alcohol: Use, possession, and consumption shall be prohibited at all times, except the Borough Council may issue a special permit for legitimate organizations or groups for picnics or social events, and all the permits shall be applied for 60 days before the use and a valid social affairs permit shall be procured as a condition of the exception.

J. Penalties:

- (1) Persons violating this article shall be punishable by fines up to \$1,000 or imprisonment up to six months, or both.
- (2) Exception: Parking violations shall be a fine not to exceed \$50.

K. Adoption of this article shall take effect immediately upon passage and shall repeal any ordinances or parts of ordinances inconsistent herewith.

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).

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 February 8, 2022.

INTRODUCED: January 25, 2022

DATE OF PUBLICATION:
OF INTRODUCTION January 28, 2022

ORDINANCE #2052-22

AN ORDINANCE AMENDING CHAPTER 359 TITLED “STREETS AND SIDEWALKS” TO CREATE AN ARTICLE V TITLED “ENFORCEMENT OF TITLE 39 ON PRIVATE PROPERTY” AND A NEW CHAPTER 359-24 TITLED “LOCATIONS FOR ENFORCEMENT” AND ADDING MIDDLESEX VILLAGE TOWNHOMES TO THE LOCATIONS FOR ENFORCEMENT

WHEREAS, by letter dated November 8, 2021, the Middlesex Village Homeowners Association requested that the Borough enforce Title 39 traffic regulations on its property; and

WHEREAS, the Borough has the power to accept such requests pursuant to N.J.S.A. 39:5A-1 and enforce Title 39 traffic regulations on said property; and

WHEREAS, the Borough Council has determined that enforcement of Title 39 traffic regulations on the Property will benefit the citizens of the Borough; and

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

Section I

The Borough Council of the Borough of Middlesex hereby accepts the November 8, 2021 request of Middlesex Village Homeowners Association for Title 39 Enforcement.

Section II

A new Article V, titled “Enforcement of Title 39 on Private Property”, is created within Chapter 359.

Section III

A new Chapter 359-24, titled “Locations for Enforcement”, is created within Article V and shall read as follows:

Pursuant to N.J.S.A. 39:5A-1, the traffic control provisions of Subtitle 1, entitled Motor Vehicle and Traffic Laws, of Title 39 of the Revised Statutes of the State of New Jersey shall be enforced by the Borough of Middlesex Police Department, and/or any other authorized police enforcement agency, at the following locations:

A. Middlesex Village Townhomes

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).

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 February 8, 2022.

INTRODUCED: January 25, 2022

DATE OF PUBLICATION:
OF INTRODUCTION January 28, 2022

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

Resolution #63-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the December, 2021 Police Report
2. Reinstating Alan Kriney to the Office of Emergency Management

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 February 8, 2022.

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

Resolution #64-2022

**AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE
NEW JERSEY TRANSIT CORPORATION AND MIDDLESEX BOROUGH FOR THE
INSTALLATION AND MAINTENANCE OF BUS SHELTERS**

The Governing Body hereby approves the Mayor to execute the Agreement between the New Jersey Transit Corporation and Middlesex Borough for the installation and maintenance of bus shelters in accordance with the terms of the agreement.

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 February 8, 2022.

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

Resolution #65-2022

**REIMBURSEMENT OF DOG LICENSE FEE IN THE AMOUNT OF \$10.00 TO
SIDDHARTH SINGH, 51 COTTONWOOD CT, SOUTH BRUNSWICK, NJ**

The Governing Body hereby approves the reimbursement fee for Dog License to Mr. Siddharth Singh, 51 Cottonwood Ct, South Brunswick, New Jersey in the amount of \$10.00 due to him applying in the wrong municipality for a license.

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 February 8, 2022.

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

Resolution #66-2022

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF GREENBROOK FOR FIRE SERVICES

WHEREAS, the Township of Greenbrook has requested to enter into a Shared Service Agreement for Fire Services; and

WHEREAS, the Mayor and Borough Clerk are required to execute this Agreement.

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

1. The Mayor and Borough Clerk are authorized to execute a Shared Service Agreement for Fire Services with the Township of Greenbrook which term will expire on December 31, 2024.
2. This resolution shall take effect 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 February 8, 2022.

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

Resolution #67-2022

**AUTHORIZING THE MAYOR TO EXECUTE THE HAZARDOUS WASTE SITING FEE
AGREEMENT BETWEEN THE BOROUGH OF MIDDLESEX AND VEOLIA, ES
TECHNICAL SOLUTIONS, L.L.C.**

The governing body hereby approves the Mayor to execute the Hazardous Waste Siting Fee Agreement Between the Borough of Middlesex and Veolia, ES Technical Solutions, L.L.C.

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 February 8, 2022.

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

Resolution #68-2022

APPROVING OF THE RELEASE OF THE PERFORMANCE BOND IN THE AMOUNT OF \$137,285 AND THE ACCEPTANCE OF THE IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$17,520 FOR THE 5 FACTORY LANE (TEXAS PIPE) IMPROVEMENT PROJECT

WHEREAS, J.G. Petrucci Company, Inc. has requested release of the Performance Bond and acceptance of the Irrevocable Standby Letter of Credit for the site improvements at 5 Factory Lane (Texas Pipe); and

WHEREAS, the Borough Engineer has determined that the applicant has completed all site improvements; and

WHEREAS, it has been determined that the Performance Guarantee was posted by a Performance Bond No. HSHNSU0732635 in the amount \$137,285.00 can be released; and

WHEREAS, J.G. Petrucci has supplied an Irrevocable Standby Letter of Credit No. SBFTX303617 from Amegy Bank in the sum of \$17,520.00 representing 15% of the cost of the improvement project, as certified by the Borough Engineer, for a period of two (2) years expiring on January 20, 2024; and

WHEREAS, the above mentioned letter of credit has been reviewed by the Borough Attorney and is found to meet all legal requirements per N.J.S.A. 40:55D-53 and N.J.A.C. 5:36-4.4, which permits a letter of credit to be utilized as security in an alternative to a traditional two-year maintenance bond.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Middlesex in the County of Middlesex that the Performance Bond No. HSHNSU0732635 be released and the Irrevocable Standby Letter of Credit No. SBFTX303617 be accepted.

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 February 8, 2022.

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

Resolution #69-2022

AUTHORIZING THE TAX COLLECTOR TO CANCEL THE BALANCE OF 1ST QTR. 2022 TAXES AND 2ND QTR. TAXES 2022 FOR BLOCK 4 LOT 4

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 4 Lot 4 , 4 Valley Brook Drive has been declared a 100% Disabled Veteran by the Division of Veterans Affairs; and,

WHEREAS, the property owner has completed and submitted the proper paperwork to apply for the Exemption; and,

WHEREAS, the Tax Assessor has approved the application with a date of 1/26/2022; and,

NOW, THEREFORE, the Tax Collector is hereby authorized to cancel the balance of 1st Qtr. 2022 taxes in the amount of \$12.88 and 2nd Qtr. taxes 2022 in the amount of \$1737.43.

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 February 8, 2022.

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

Resolution #70-2022

**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, 2022 to December 31, 2022.

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 February 8, 2022.

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

Resolution #71-2022

**ACCEPTING THE RESIGNATION OF ADRIENE BACON FROM THE OFFICE OF
SENIOR SERVICES**

The Governing Body accepts the resignation of Adriene Bacon as a bus driver for the Office of Senior Services effective January 19, 2022.

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 February 8, 2022.

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

Resolution #72-2022

**AUTHORIZING THE MAYOR TO EXECUTE THE ESTOPPEL CERTIFICATE WITH
REFERENCE TO THE REDEVELOPMENT AGREEMENT AND THE FINANCIAL
AGREEMENT WITH CP MIDDLESEX URBAN RENEWAL, LLC**

The Governing Body hereby authorizes the Mayor to execute the Estoppel Certificate with reference to the Redevelopment Agreement between CP Middlesex Urban Renewal, LLC and the Borough of Middlesex dated January 11, 2021 and the Financial Agreement between CP Middlesex Urban Renewal, LLC and the Borough Dated January 11, 2021.

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 February 8, 2022.

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

Resolution #73-2022

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 February 8, 2022.

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

Resolution #74-2022

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public which include Public Safety - Municipal Grounds, Lease Negotiations - Rescue Squad and Litigation - Grammercy Gardens; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

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 February 8, 2022.