



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Kathleen Anello
732-356-7400 x236
www.middlesexboro-nj.gov

Tuesday, September 25, 2018

7:00 PM

Municipal Building

1. **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.
2. **SALUTE TO FLAG**
3. **ROLL CALL**

Attendee Name	Present	Absent	Late	Arrived
Mayor Ron DiMura	☐	☐	☐	
Council Member Kevin Dotey	☐	☐	☐	
Council Member Dan Parenti	☐	☐	☐	
Council Member Sean Kaplan	☐	☐	☐	
Council Member John Madden	☐	☐	☐	
Council President Robert Schueler	☐	☐	☐	
Council Member Jack Mikolajczyk	☐	☐	☐	
Attorney Aravind Aithal	☐	☐	☐	

4. **PRESENTATIONS**

1. Citizen of the Year - Todd Nicolay

5. **APPOINTMENTS**

6. **PROCLAMATIONS**

7. **ORDINANCE(S) FOR INTRODUCTION**

8. **ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**

1. **Ordinance 1949-18** AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 367 SWIMMING POOL, MUNICIPAL, SECTION 367-3 FEES
2. **Ordinance 1950-18** AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 26, ECONOMIC DEVELOPMENT COMMITTEE
3. **Ordinance 1951-18** AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 108, ADULT USES AND ENTERTAINMENT, SECTION 108-2 MASSAGE PARLORS

4. **Ordinance 1952-18** AN ORDINANCE REPEALING AND REPLACING CHAPTER 272 OF THE BOROUGH OF MIDDLESEX, ENTITLED "MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS."

9. ADOPTION OF MINUTES

1. Approval of the August 28, 2018 Regular Meeting & Executive Meeting Minutes

10. MAYOR'S REPORT

11. REPORTS - STANDING COMMITTEES

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Fire/OEM/Rescue Squad
 1. Approval of the Fire Report & Fire Chief Report for June, 2018
 2. Accepting the Resignation of Andrew Klein from Parker Fire House & his Transfer to Lincoln Hose Company
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
 1. Approval of the August, 2018 Recreation Trust Account
 2. Approval of the September, 2018 Director's Report
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
 1. Approval of the August, 2018 Police Report
6. Administration/Department of Senior Services/Legislation/Licensing

12. 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.

13. 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 171-2018** Approving a Contract with Direct Development for Municipal Marketing/PR/Design Services September, 2018 - August, 2019
2. **Resolution 226-2018** Approving a Block Party for Residents on Wilson Street on September 30, 2018

3. **Resolution 227-2018** Authorizing the Mayor and Borough Clerk to Redeem Tax Sale Certificate #15-01851 and Tax Sale Premium for Block 306, Lot 25.01
4. **Resolution 228-2018** Authorizing the Tax Collector to Redeem Tax Sale Certificate #17-00005 for Block 150, Lot 75
5. **Resolution 229-2018** Awarding the Bid for the 2018 Road Resurfacing Program to S Brothers, Inc. in the Amount of \$537,427.84
6. **Resolution 230-2018** The Governing Body hereby approves the Lease Between the Borough of Middlesex and America Legion John W. Lupo Memorial Post 306 effective April 28, 2015 - April 28, 2025
7. **Resolution 231-2018** Releasing Performance Bond to Whirl Corporation, Inc. for 2011 Supply and Installation of Non-Elevated Bleacher Unit at Simchock Field
8. **Resolution 232-2018** Hiring Tom Lynch as a Bus Driver for the Senior & Disabled Services
9. **Resolution 233-2018** The Governing Body hereby Approve to Surplus the Police Department 2004 Crown Victoria
10. **Resolution 234-2018** Approving a Block Party on October 20, 2018 on B Street Between Walnut Street and Maple Street
11. **Resolution 235-2018** Conditionally Designating Claremont Companies as Redeveloper for Property Known as Tax Block 318 Lots 38.01 & 48, in the Lincoln Boulevard Redevelopment Area for the development of a Warehouse Project
14. **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 236-2018** Pay All Claims
 2. **Resolution 237-2018** Executive Session
15. **AGENDA WORKSHOP ITEM**
 1. Solar Energy - Lucent Energy
 2. Mountain View Park Playground
 3. Purchasing New Street Sweeper
16. **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.

17. EXECUTIVE SESSION

1. OLMV Potential Litigation
2. 105 William Street - Litigation
3. County Health Contract
4. Administrator's Position

18. ADJOURNMENT

1. The next Regular Meeting will be October 9, 2018

ORDINANCE #1949-18

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 367 SWIMMING POOL, MUNICIPAL, SECTION 367-3 FEES

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

Section 367-2 Membership is amended to read as follows:

A. There shall be five types of membership:

(4) Single parent and one child, which parent shall have legal custody of the child.

(5) Couples membership, which shall be available to two adults residing at the same residence.

F. Membership shall not exceed 1,000, excluding senior memberships, in number based upon consideration of capacity, safety, convenience and enjoyment. In computing the total of 1,000 memberships, an individual membership shall be counted as $\frac{1}{2}$ rather than one toward the total number of memberships allowed. The Board shall maintain a waiting list and fill all applications for membership strictly in order of receipt.

Section 367-3 Fees and charges is amended to read as follows:

Fees and charges shall be as follows:

A. Schedule of fees.

1. Resident family membership: \$264 per season if paid after April 15 of each year and \$247.50 if paid prior thereto.
2. Resident individual membership: \$176 per season if paid after April 15 of each year and \$159.50 if paid prior thereto.
3. Resident senior citizen membership: \$38.50 per season.
4. Nonresident family membership: \$379.50 per season.
5. Nonresident individual membership: \$242 per season.
6. Nonresident senior citizen membership: \$71.50 per season.
7. Resident couple membership or resident parent/one child membership: \$220 per season.

8. Nonresident couple membership or nonresident parent/one child membership: \$310.75 per season.
- E. The Swim Pool Commission has the authority to increase the membership fees by no more than 10% per year with the stipulations that the rates are not raised more than 30% over the next five years.
- F. Resident and nonresident family membership may include, for an additional fee of \$50 per season, one “nanny” or nonfamily childcare provider membership.

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

1. The Governing Body does hereby amend Section 367-3 Fees and Charges as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to 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 September 25, 2018.

INTRODUCED: August 28, 2018

DATE OF PUBLICATION:
OF INTRODUCTION August 31, 2018

ORDINANCE #1950-18**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX,
COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 26, ECONOMIC
DEVELOPMENT COMMITTEE**

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

Subsection 26-2 shall be amended as follows:

Membership; appointment; terms of office; vacancies. The Economic Development Committee shall consist of twelve (12) members, who shall be appointed by the Mayor. The Mayor and one (1) member of the Borough Council, to be appointed by the Mayor, shall serve as members. The Chairman of the Zoning Board shall serve as a member. Eight members shall be appointed by the Mayor, who shall be either residents of the Borough or owners/operators of businesses located within the Borough. The Economic Development Specialist shall serve as a member during his/her tenure in such position. All members shall serve for a term of one (1) year. Vacancies in the membership of the Economic Advisory Committee occurring for whatever reason shall be promptly filled by appointment by the Mayor. The Mayor shall designate the member of the Economic Advisory Committee who shall serve as Chair. The Economic Advisory Committee shall meet at least four (4) times (i.e., quarterly) each year. Additional meetings shall be held as required and deemed necessary by the Chair of the Economic Advisory Committee.

Subsection 26-5 shall be amended as follows:

A majority of the members (7 of 12) shall constitute a quorum of the Committee.

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 September 25, 2018.

INTRODUCED: August 28, 2018

DATE OF PUBLICATION:
OF INTRODUCTION August 31, 2018

ORDINANCE #1951-18**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX,
COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 108, ADULT USES AND
ENTERTAINMENT, SECTION 108-2 MASSAGE PARLORS**

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

Chapter 108, Adult Uses and Entertainment, Section 108-2. Massage Parlors shall be deleted in its entirety.

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 September 25, 2018.

INTRODUCED: August 28, 2018

DATE OF PUBLICATION:
OF INTRODUCTION August 31, 2018

ORDINANCE #1952-18

AN ORDINANCE REPEALING AND REPLACING CHAPTER 272 OF THE BOROUGH OF MIDDLESEX, ENTITLED “MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS.”

Exclusions: *This ordinance specifically excludes physicians, physical therapy groups, chiropractors, and any other such medical group or medical support group licensed by the State of New Jersey.*

WHEREAS the Governing Body of the Borough of Middlesex had adopted Ordinance No. 1565-02; and

WHEREAS since the passage of the Ordinance 1565-02 by the Governing Body of the Borough of Middlesex, the State of New Jersey Office of the Attorney General, Division of Consumer Affairs has established the Massage, Bodywork and Somatic Therapy Certification Act, N.J.S.A. 45:11-53; and

WHEREAS the Governing Body of the Borough of Middlesex finds that the public interest and the health and welfare of the citizens of the Borough of Middlesex require that persons offering massage, bodywork or somatic therapy in the Borough of Middlesex holds a certification from the Massage, Bodywork and Somatic Therapist Certification Act, N.J.S.A. 45:11-53.

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

1. Chapter 272 is hereby repealed, replaced and amended by the creation of new Ordinance No. 1852-18 to be entitled “Massage and Bodywork Therapy Establishments” to read as follows:

Chapter 272 Massage and Bodywork Therapy Establishments.

272-1 Purpose. The purpose of this Chapter is to establish regulations and permit requirements for the operation of massage and bodywork therapy establishments in order to protect and preserve the health, safety and welfare of the citizens of the Borough of Middlesex, and the patrons of such establishments, and to minimize and control adverse utilization of such establishments to preserve the quality of life, protect and preserve the character of the Borough.

272-2 Definitions. For the purpose of this Section, the following terms, phrases and words shall have the meanings stated herein.

a. “Massage and Bodywork Therapies” shall mean the systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic,

auditory and palpating skills to assess the body for purposes of applying therapeutic massage and bodywork principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, explaining and describing myofascial movement, self-care and stress management as it relates to massage and bodywork therapies. Massage and bodywork therapy practices are designed to affect the soft tissue of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment or disability.

b. "Massage and Bodywork Therapist" shall mean a person certified and/or licensed to practice Massage and Bodywork Therapies pursuant to the provisions of the Massage, Bodywork and Somatic Therapist Certification Act, N.J.S.A. 45:11-53.

c. "Massage and Bodywork Therapy Establishment" shall mean any establishment, business or operation wherein Massage and Bodywork Therapies are administered or are permitted to be administered, which shall include the operation of an outcall massage and bodywork therapy service.

272-3 Permits Required.

a. *Massage and Bodywork Therapy Establishment Permit Required.* No person, firm, corporation, organization or other entity shall own, maintain, operate or conduct a Massage and Bodywork Therapy Establishment or utilize any premises in the Borough of Middlesex as or for a Massage and Bodywork Therapy Establishment unless or until such person or entity first obtained a permit for such establishment or premises from the Borough of Middlesex in accordance with the terms and provisions of this Section.

b. *Massage and Bodywork Therapist Registration/Documentation Required.* No person shall practice Massage and Bodywork Therapies, unless he/she has a valid and subsisting massage and bodywork therapist permit or license issued to him/her by the New Jersey Board of Massage and Bodywork Therapy, pursuant to the terms and provisions of N.J.S.A. 45:11-53 et seq., and evidence of same has been submitted to the Borough of Middlesex in accordance with the terms and provisions of this Section.

272-4 Applications; Fees.

a. Every applicant for a Massage and Bodywork Therapy Establishment Permit shall file an application with the Borough Clerk upon a form to be provided by said Clerk and pay an annual fee for the sum of:

- (1) Two Hundred Fifty (\$250.00) Dollars per massage table;
- (2) One Hundred (\$100.00) Dollars per massage chair; and,
- (2) Five Hundred (\$500.00) Dollars per shower fixture or room, whichever is greater in number.

b. Upon receipt of a completed application for a Massage and Bodywork Therapy Establishment, full payment of the fees herein, and registration of all Massage and Bodywork Therapists who shall provide services and/or be employed at the Massage and Bodywork Therapy Establishment, the Borough Clerk shall issue a license to operate, but not prior to the

application being processed and approvals granted by all responsible parties. Responsible parties are granted up to 30 days to review and act on the application following receipt of the completed application. Notwithstanding anything to the contrary herein, prior to performing any services as a Massage and Bodywork Therapist at any Establishment herein described, the Therapist must first register, as herein required.

272-5 Application Requirements.

a. *Application for a Massage and Bodywork Therapy Establishment Permit.* Any person, firm, corporation, organization or other entity applying for a Massage and Bodywork Therapy Establishment Permit shall submit the required application, together with the associated fees, which shall include the following information:

- (1) The type of ownership of the establishment (i.e., whether individual, partnership, corporation or otherwise).
- (2) The name, style and designation under which the establishment is to be conducted.
- (3) The address and all telephone numbers, including facsimile, where the establishment is to be maintained, operated, and conducted.
- (4) A complete list of the name(s) and address(es) of all massage and bodywork therapists, along with a copy of each therapist's certificate and/or license issued by the State of New Jersey issued to the applicant pursuant to N.J.S.A. 45:11-53, *et seq.*, and N.J.A.C. 13:37-16.1, *et seq.*, name(s) and address(es) of other employees at the establishment, and the name and residence address of the manager or other person principally in charge of the day-to-day operation of the establishment.
- (5) The following personal information concerning the applicant, if an individual; concerning each stockholder holding direct or beneficial interest in stock of the corporation, each officer and director, if the applicant is a corporation; concerning each partner, including limited partners, if the applicant is a partnership; concerning the members, if the applicant is a limited liability company; and concerning the manager or other person principally in charge of the day-to-day operation of the establishment:
 - (a.) The name, residence address and residence telephone number. It shall be an ongoing responsibility of the applicant to notify the Borough, in writing, of any change in name, address or telephone number of the individuals identified.
 - (b) The two (2) previous addresses immediately prior to the present address of the individuals identified.
 - (c) Written proof of age.
 - (d) Height, weight, sex and color of hair and eyes.

(e) Two (2) front-faced portrait photographs of the individuals taken within thirty (30) days of the date of the application, and at least two (2") inches by two (2") inches in size.

(f) The establishment or similar business history and experience, including, but not limited to, whether or not such person has previously operated such an establishment, along with the location of such prior operations, whether or not such person has previously applied for a license or permit for such an establishment, and if same was denied, revoked or suspended, and the reasons therefore.

(6) Floor plans for the proposed facility.

(7) The names and addresses of three (3) adult residents of the County of Middlesex who will serve as character references for the applicant. These references must be persons other than relatives and business associates of the applicant.

b. *Registration/Documentation of a Massage and Bodywork Therapist.* Any person registering as a Massage and Bodywork Therapist shall submit the following information.

(1) The name, residence address and residence telephone number of the therapist. It shall be an ongoing responsibility of the therapist to notify the Borough, in writing, of any change in name, address or telephone number.

(2) A copy of a certificate and/or license issued by the State of New Jersey issued to the applicant pursuant to N.J.S.A. 45:11-53, *et seq.*, and N.J.A.C. 13:37-16.1, *et seq.*

(3) Two (2) front-faced portrait photographs of the individual taken within thirty (30) days of the date of the application, and at least two (2") inches by two (2") inches in size.

(3) It shall be an ongoing responsibility of the any person registered, or requiring registration as hereunder outlined, to notify the Borough, in writing, of any change in name, address or telephone number of the individuals identified.

272-6 Building Requirements; Inspections. Upon receipt of an application for a Massage and Bodywork Therapy Establishment Permit, the Borough Clerk shall refer the application to the Construction Code Official, the Fire Department, the Police Department, the Health Officer and the Zoning Officer, which departments may inspect the premises where the proposed massage and bodywork therapy establishment is to be maintained, operated or conducted. No Massage and Bodywork Therapy Establishment shall be issued a permit or be maintained, operated or conducted in the Borough unless an approval by the Health Official, Construction Official, Zoning Officer, and Fire Marshal has been granted indicating that the establishment complies with the minimum requirements of the construction, zoning, building and health codes for businesses operating in the Borough of Middlesex.

272-7 *Display of Permits.* The Massage and Bodywork Therapy Establishment shall display the permit issued by the Borough, and the certificate and/or license issued by the State of New Jersey to each and every massage and bodyworks therapist pursuant to N.J.S.A. 45:11-53, *et seq.*, and N.J.A.C. 13:37-16.1, *et seq.* employed and/or conducting business at the establishment, in an open and conspicuous place within the premises of the establishment.

272-8 *Operating Requirements.*

a. Every portion of the Massage and Bodywork Therapy Establishment, including all appliances and apparatus, shall be kept clean and operated in a sanitary condition.

b. Price rates for all services shall be prominently displayed in the reception area in a location available to all prospective customers.

c. All employees, including Massage and Bodywork Therapists, shall be clean and wear clean, nontransparent outer garments.

d. Dressing areas for employees and customers shall be available on the premises. Such dressing areas shall be shielded from public view and provide the individual utilizing same privacy from all other individuals. If the dressing area is also used as the therapy/massage room, then adequate procedures shall be in place to safeguard the privacy of the individual using same as a dressing area. In no case shall these dressing areas be locked when both a client and any employee are present.

e. All Massage and Bodywork Therapy Establishments shall provide clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner.

f. The sexual or genital area of customers must be covered by towels, cloths or undergarments when in the presence of an employee or Massage and Bodywork Therapist.

g. It shall be unlawful for any person knowingly, in a Massage and Bodywork Therapy Establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area of any other person.

h. No Massage and Bodywork Therapist, employee or manager shall perform, or offer to perform, any act which would require the touching of the customer's sexual or genital area.

i. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat-rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the establishment is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry. The Massage and Bodywork Therapy Establishment shall maintain for inspection logs of not less than the 30 most recent days evidencing (i) date/time that repairs, maintenance and cleaning of each portion of the establishment occurred; and, (ii) the identity of the person(s) who performed such repair, maintenance or cleaning.

j. Oils, creams, lotions and other preparations used in administering massage and bodywork therapies shall be kept in clean, closed containers or cabinets.

k. Animals, except for Seeing Eye dogs, shall not be permitted in the massage and bodywork work area.

l. Each Massage and Bodywork Therapist shall wash his or her hands in hot running water, using antibacterial soap or disinfectant before administering massage or bodywork therapy to each customer.

m. No Massage and Bodywork Therapy Establishment shall permit any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material.

n. Hours of operation of any Massage and Bodywork Therapy Establishment shall not commence prior to 9:00 a.m., and shall not extend beyond 9:00 p.m.

o. During hours of operation, the public entry way into the Massage and Bodywork Therapy Establishment shall not be locked, barricaded or otherwise fashioned in such as way as to limit or impede the immediate access into the establishment.

p. It shall be the responsibility of the owner(s) of the Massage and Bodywork Therapy Establishment and the holder of the license for the Massage and Bodywork Therapy Establishment to ensure that all employees, including Massage and Bodywork Therapists, comply with all provisions of this Ordinance.

272-9 Advertising and solicitation practices.

a. No person shall advertise or offer to provide massage-related services for compensation within the Borough of Middlesex unless licensed as a Massage and Bodywork Therapy Establishment pursuant to this ordinance.

b. All advertisements for massage therapy services to be provided within the Borough of Middlesex shall include the Massage and Bodywork Therapy Establishment's name, address, and telephone number.

272-10 Inspection of Establishment. The Health Official, Construction Official, and/or the Fire Marshal shall, from time to time, and at least once a year, make an inspection of each Massage and Bodywork Therapy Establishment within the Borough for purposes of determining whether or not the provisions of this Section are being complied with. The Police Department shall also, from time to time, conduct inspections of each Massage and Bodywork Therapy Establishment to determine if there are any violations of this Section and/or violations of any other ordinance of the Borough of Middlesex or the laws of the State of New Jersey on the premises. Such inspections, unless it appears that a violation of the temporal limitations on hours of operation exists, shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any Massage and Bodywork Therapy Establishment to fail to allow such inspection officer access to the premises or to hinder such officer in any manner. If any Massage and Bodywork Therapy Establishment reasonably appears to be operating outside of the hours permitted hereunder, the Health Official, Construction Official, Fire Marshall and/or Police Department may immediately enter the premises notwithstanding any limitations to entry herein.

272-11 *Sleeping Quarters.* No part or portion of any Massage and Bodywork Therapy Establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such Massage and Bodywork Therapy Establishment, except for limited periods incidental to and directly related to a Massage and Bodywork Therapy treatment. This provision shall not preclude the location of a Massage and Bodywork Therapy Establishment in separate quarters of a building housing a hotel, motel or other separate business.

272-12 *Violations; Penalties; Suspension or Revocation of Permit.*

a. Unless otherwise provided law, any person violating the any of the provisions of this Chapter, shall, upon conviction thereof, and at the discretion of the municipal court, be punished by imprisonment for a term not exceeding ninety (90) days or by a fine of less than seven hundred fifty dollars (\$750.00), nor exceeding, two thousand five hundred dollars (\$2,500.00) or both, for a first violation. A second violation of any provision of this Chapter shall be punished by imprisonment for a term not exceeding ninety (90) days or by a fine of less than one thousand five hundred dollars (\$1,500.00), nor exceeding, three thousand dollars (\$3,000.00) or both. A third or subsequent violation of this Chapter shall be punished by imprisonment for a term not exceeding ninety (90) days or by a fine of less than two thousand five hundred dollars (\$2,500.00), nor exceeding, five thousand dollars (\$5,000.00), or both.

b. Any conviction of a Massage and Bodyworks Therapist or any employee of a Massage and Bodywork Therapy Establishment of a violation of any activity or behavior prohibited by the laws of the State of New Jersey alleged to have occurred at or within a Massage and Bodywork Therapy Establishment, particularly, but not exclusive of laws proscribing solicitation, prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material, shall devolve upon the owner and/or manager of such establishment, it being specifically declared by that, following such a conviction of a Massage and Bodyworks Therapist or employee, the offensive activity or behavior of such Massage and Bodyworks Therapist or employee is imputed upon the owner and/or manager as an accessory to such a violation.

c. *Suspension/Revocation.*

(1) In addition to any of the penalties provided herein or proscribed by law, and notwithstanding the filing of a summons and/or criminal complaint in the municipal court or Superior Court, any violation of the following provisions, shall subject the Massage and Bodywork Therapy Establishment to the suspension or revocation of the applicable permit:

- (A) Fraud, misrepresentation or false statement made by the applicant in the application for the permit.
- (B) Fraud, misrepresentation or false statement made by the applicant in the course of carrying on the permitted business in the Borough.
- (C) Any violation of any provisions of this Ordinance.
- (D) A conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, or any crime involving dishonesty.
- (E) Conducting the permitted business in the Borough in an unlawful manner or in such manner as to endanger the health, safety or general welfare of the public.

(2) Such suspension or revocation shall be upon notice issued by the Health Official.

(3) The said permit(s) may be suspended by the Health Official if, in his/her discretion and opinion, the conduct of the permittee is detrimental to the health, safety and general welfare of the Borough of Middlesex.

2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Middlesex, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Middlesex are hereby ratified and confirmed, except where inconsistent with the terms hereof.

4. This Ordinance shall take effect immediately upon final passage and publication according to 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 September 25, 2018.

INTRODUCED: August 28, 2018

DATE OF PUBLICATION:
OF INTRODUCTION August 31, 2018

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

Resolution #171-2018

**APPROVING A CONTRACT WITH DIRECT DEVELOPMENT FOR MUNICIPAL
MARKETING/PR/DESIGN SERVICES SEPTEMBER, 2018 - AUGUST, 2019**

The Governing Body hereby approves a contract with Direct Development, Tinton Falls, New Jersey for Municipal Marketing/PR/Design Services from September, 2018 - August, 2019 in the amount of \$2,500 per month.

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 September 25, 2018.

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

Resolution #226-2018

**APPROVING A BLOCK PARTY FOR RESIDENTS ON WILSON STREET ON
SEPTEMBER 30, 2018**

WHEREAS, the residents of 23 Wilson Street have requested to have a block party on Wilson Street between Washington Avenue and Locust Street on September 30, 2018 between the hours of 1 p.m. and 5 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of 23 Wilson Street to conduct a block party on Wilson Street between Washington Avenue and Locust Street on September 30, 2018 between the hours of 1 p.m. and 5 p.m.
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 September 25, 2018.

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

Resolution #227-2018

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO REDEEM TAX SALE
CERTIFICATE #15-01851 AND TAX SALE PREMIUM FOR BLOCK 306, LOT 25.01**

The Tax Collector is hereby authorized to issue a check in the amount of \$36,062.13 to redeem Tax Sale Certificate #15-01851 and a check in the amount of \$ 18,100.00 for a Tax Sale Premium, Block 306 Lot 25.01, 571 W Pershing Ave. Check is made payable to:

US Bank Cust for BV001 Trust
50 South 16th St.
Suite 2050
Philadelphia, PA 19102

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 September 25, 2018.

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

Resolution #228-2018

AUTHORIZING THE TAX COLLECTOR TO REDEEM TAX SALE CERTIFICATE #17-00005 FOR BLOCK 150, LOT 75

The Tax Collector is hereby authorized to issue a check in the amount of \$1,932.79 to redeem Tax Sale Certificate #17-00005, Block 150 Lot 75, 89 George Ave. Check is made payable to:

US Bank Cust for PC 7 Firsttrust Bank
50 South 16th St.
Suite 2050
Philadelphia, PA 19102-2513

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 September 25, 2018.

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

Resolution #229-2018

AWARDING THE BID FOR THE 2018 ROAD RESURFACING PROGRAM TO S BROTHERS, INC. IN THE AMOUNT OF \$537,427.84

WHEREAS, six bids were received on September 7, for the 2018 Road Resurfacing Project; and

WHEREAS, listed below is the lowest bid received for this project:

S Brothers, Inc.	Base Bid: \$537,427.84
P.O. Box 317	
South River, NJ 08882	

WHEREAS, Borough Engineer, Remington & Vernick Engineers recommend S Brothers, Inc. be awarded this contract for the amount listed above.

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

1. At the recommendation of the Borough Engineer, Remington & Vernick Engineers, the Mayor and Council hereby award the bid for the 2018 Road Resurfacing Project to S Brothers, Inc., South River, NJ 08882.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in account number C-04-17-920-000-093 in the amount of \$200,612.25; account number C-04-18-947-000-093 in the amount of \$300,000.00; and account number C-04-16-893-000-096 in the amount of \$36,815.59.

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 September 25, 2018.

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

Resolution #230-2018

**THE GOVERNING BODY HEREBY APPROVES THE LEASE BETWEEN THE
BOROUGH OF MIDDLESEX AND AMERICA LEGION JOHN W. LUPO MEMORIAL
POST 306 EFFECTIVE APRIL 28, 2015 - APRIL 28, 2025**

The Governing Body hereby approves the Lease between the Borough of Middlesex and the American Legion John W. Lupo Memorial Post 306 effective April 28, 2015 - April 28, 2025.

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 September 25, 2018.

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

Resolution #231-2018

**RELEASING PERFORMANCE BOND TO WHIRL CORPORATION, INC. FOR 2011
SUPPLY AND INSTALLATION OF NON-ELEVATED BLEACHER UNIT AT
SIMCHOCK FIELD**

WHEREAS, final payment to Whirl Corporation, Inc. has been submitted for the Supply and Installation of Non-Elevated Bleacher Unit at Simchock Field; and

WHEREAS, Borough Attorney has reviewed all documents and is recommending release of the Performance Bond;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey in accordance with NJAC 40:55D-53c. (1) of the Municipal Land Use Law, and by recommendation of the Borough Attorney, the governing body, hereby agrees to release the performance bond for the Supply and Installation of Non-Elevated Bleacher Unit at Simchock Field.

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 September 25, 2018.

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

Resolution #232-2018

HIRING TOM LYNCH AS A BUS DRIVER FOR THE SENIOR & DISABLED SERVICES

The Governing Body hereby hires Tom Lynch as a bus driver for the Department of Senior & Disabled Services effective August 15, 2018 at \$18.00 per hour for approximately 20 hours per week.

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 September 25, 2018.

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

Resolution #233-2018

**THE GOVERNING BODY HEREBY APPROVE TO SURPLUS THE POLICE
DEPARTMENT 2004 CROWN VICTORIA**

The Governing Body hereby approve to surplus the Police Department (Gold) 2004 Ford Crown Victoria, VIN 2FAFP71W04X139317.

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 September 25, 2018.

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

Resolution #234-2018

APPROVING A BLOCK PARTY ON OCTOBER 20, 2018 ON B STREET BETWEEN WALNUT STREET AND MAPLE STREET

WHEREAS, the residents of B Street have requested to have a block party on B Street between Walnut Street and Maple Street on October 20, 2018 between the hours of 2 p.m. and 8 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

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

1. The Governing Body hereby grants approval to the residents of B Street to conduct a block party on B Street between Walnut Street and Maple Street on October 20, 2018 between the hours of 2 p.m. and 8 p.m.
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 September 25, 2018.

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

Resolution #235-2018

CONDITIONALLY DESIGNATING CLAREMONT COMPANIES AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 318 LOTS 38.01 & 48, IN THE LINCOLN BOULEVARD REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A WAREHOUSE PROJECT

WHEREAS, Tax Block 318, LOT 38.01 AND Lot 48 (the "Property") is located in the Lincoln Boulevard Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, the Borough of Middlesex (the "Borough") is desirous of the redevelopment of this 21+/- acre site for re-use consistent with the Borough's Master Plan and the Redevelopment Plan for the Redevelopment Area, adopted on December 13, 2016 as amended; and

WHEREAS, Claremont Companies., made a presentation to the Borough Economic Development Committee regarding its concept proposal for the Property; and

WHEREAS, the Property is privately owned and Claremont Companies., have a contract to purchase the property; and

WHEREAS, the proposal has been found consistent with the Borough's goals for redeveloping the area.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Middlesex that **Claremont Companies**, 49 Rt 202 Far Hills, NJ 07931 is hereby conditionally designated as Redeveloper for the development of Tax Block 318 Lot's 38.01 & 48; located in the Lincoln Boulevard Redevelopment Area, for a warehouse project, the detail of which is subject to further refinement, for the reasons set forth herein.

BE IT FURTHER RESOLVED, that said conditional designation is subject to the following conditions:

1. That the conditional designation is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That Claremont Companies and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.

3. That Claremont Companies agrees to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.
4. Within fourteen (14) days of the adoption of this resolution, Claremont Companies and the Borough enter into an escrow agreement, the form of which is attached hereto and made part of this resolution.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a Redevelopment Agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

BE IT FURTHER RESOLVED, that 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 September 25, 2018.

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

Resolution #236-2018

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 September 25, 2018.

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

Resolution #237-2018

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; 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.

1. OLMV Potential Litigation
2. 105 William Street - Litigation

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 September 25, 2018.