Borough of Middlesex

Mayor and Council Regular Meeting

~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, September 27, 2022 **7:00 PM** **Municipal Building**

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	☐	☐	☐	
Councilman Michael Conahan	☐	☐	☐	
Councilman Jack Mikolajczyk	☐	☐	☐	
Councilman Martin Quinn	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Interim Administrator Joe Costa	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

IV. PRESENTATIONS

V. APPOINTMENTS

VI. PROCLAMATIONS

1. Domestic Violence Awareness Month October, 2022

VII. ORDINANCE(S) FOR INTRODUCTION

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

1. **Ordinance 2068-22** BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1962-19 ADOPTED ON JUNE 11, 2019, PROVIDING FOR THE BOUND BROOK ROAD STREETSCAPE PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY $300,000 FOR A TOTAL APPROPRIATION OF $1,435,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY $300,000 FOR A TOTAL DEBT AUTHORIZATION OF $404,440, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

2. **Ordinance 2069-22** AN ORDINANCE TO AMEND CHAPTER 154, CERTIFICATES, BIRTH, DEATH, AND MARRIAGE OF THE CODE OF THE BOROUGH OF MIDDLESEX

3. **Ordinance 2070-22** AN ORDINANCE CREATING A NEW CHAPTER 86 TO BE ENTITLED "FILMING" WITHIN THE BOROUGH OF MIDDLESEX CODE

IX. ADOPTION OF MINUTES

1. Approval of the September 13, 2022 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

1. Council President Eodice
2. Councilman Carnes
3. Councilman Conahan
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 272-2022** Acceptance of Standing Reports

2. **Resolution 273-2022** Approving the Place-to-Place Transfer for the Extension of Premises for Villa Verdense Corp. (Vincenzo's Restaurant) (License 1211-33-012-004) Effective September 27, 2022

3. **Resolution 274-2022** Approving the Acquisition of Block 278, Lots 60 and 61 by the Army Corp. of Engineers for the Green Brook Local Flood Reduction Project

4. **Resolution 275-2022** Authorizing the Tax Collector to Cancel the Balance of 4th Qtr. 2022 Taxes, 1st Qtr. 2023 and 2nd Qtr. 2023 Taxes for Block 239.02 Lot 7

5. **Resolution 276-2022** Authorizing the Tax Collector to Cancel 4th Qtr. 2022 and 1st & 2nd Qtr. 2023 Taxes on Block 244 Lot 9

6. **Resolution 277-2022** Approval of the Corrective Action Plan on the 2021 Audit

7. **Resolution 278-2022** Authorizing the Purchase of a Replacement Free Standing Carport for the OEM Command Post Vehicle from Carport Central in the amount of $13,500.50

8. **Resolution 279-2022** Authorizing the Purchase of a 2023 Chevrolet Tahoe for the Police Department in the Amount of $59,959.51

9. **Resolution 280-2022** Authorizing a Refund to Lisa Ganjoin, 38 E Hanover Square, in the Amount of $57.70 for Overpayment of Sewer Fees

10. **Resolution 281-2022** Authorizing the Tax Collector to Waive and Adjust Sewer Bills on Block 82, Lot 12

11. **Resolution 282-2022** Authorizes the Mayor to Execute the Proposal for Engineering Services from PS&S in the amount of $26,650.00 for the Replacement of Two Rooftop Air Handling Units for the Police Department

12. **Resolution 283-2022** Authorizing the Mayor to Execute the Approval of the Purchase and Sale Agreement between the Middlesex Presbyterian Church and the Borough of Middlesex

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 284-2022** 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 285-2022** Executive Session

Dispensation of Borough Owned Property

Rescue Squad Lease

Personnel Issue - Janitor/Buildings & Grounds Maintenance Position

XIX. ADJOURNMENT

1. The next Regular Meeting will be Octoer 11, 2022

PROCLAMATION

Domestic Violence Awareness Month October, 2022

WHEREAS, domestic violence impacts countless New Jersey residents without regard to age, race, religion, or economic status; as victims suffer at the hands of a spouse or partner, and it affects their children, families, and entire communities; and

WHEREAS, Women Aware, Inc. along with The Middlesex/Dunellen Domestic Violence Response Team has offered unparalleled services to women, children and men who have been victimized by domestic violence;

WHEREAS, the Borough of Middlesex joins with others across New Jersey and across the Nation in supporting victims of domestic violence and shares the worthy goals of this month-long observance, and likewise supports the work of Women Aware, Inc. along with The Middlesex/Dunellen Domestic Violence Response Team as they strive to provide the best coordinated response to domestic violence in our community, sending a loud and clear message to abusers that domestic violence is not tolerated in Middlesex Borough;

Now, THEREFORE, I, Mayor John L. Madden, do hereby proclaim October 2022 as Domestic Violence Awareness Month in the Borough of Middlesex and I urge all citizens to actively participate in the scheduled activities and programs sponsored by Women Aware, Inc., and to work toward the elimination of personal and institutional violence against women, children, and men.

DATED: September 27, 2022

_____
Linda Chismar, RMC

_____
Mayor John L. Madden

ORDINANCE #2068-22

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1962-19 ADOPTED ON JUNE 11, 2019, PROVIDING FOR THE BOUND BROOK ROAD STREETSCAPE PROJECT AND RELATED EXPENSES FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY $300,000 FOR A TOTAL APPROPRIATION OF $1,435,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY $300,000 FOR A TOTAL DEBT AUTHORIZATION OF $404,440, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 1962-19 on June 11, 2019 (the "Prior Ordinance") providing for the Bound Brook Road Streetscape Project and related expenses for the Borough; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor; and

WHEREAS, the Borough has determined that the $238,825 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by $63,125 to an aggregate amount of $301,950.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of $300,000 in addition to the $1,135,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor, including $1,030,560 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) and previously appropriated by the Prior Ordinance. No down payment is required or appropriated herein as this bond ordinance involves a project funded by State grants or other similar programs, within the meaning of N.J.S.A. 40A:2-11(c).

Section 2. In order to finance the costs of said improvements or purposes, $300,000 negotiable bonds are hereby authorized to be issued in addition to the $104,440 previously authorized by the Prior Ordinance for a total principal amount not to exceed $404,440 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purpose for which the bonds are to be issued consist of the Bound Brook Road Streetscape Project, including, but not limited to, the design, construction, and inspections of portions of Bound Brook Road located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is $404,440 including the $300,000 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is $1,435,000, which is equal to the amount of the $300,000 supplemental appropriation herein made therefor and the $1,135,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $300,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $301,950, including $63,125 authorized hereby and $238,825 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond 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 27, 2022.

INTRODUCED: September 13, 2022

DATE OF PUBLICATION:
OF INTRODUCTION September 16, 2022

ORDINANCE #2069-22

AN ORDINANCE TO AMEND CHAPTER 154, CERTIFICATES, BIRTH, DEATH, AND MARRIAGE OF THE CODE OF THE BOROUGH OF MIDDLESEX

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

Chapter 154-1 Fees established shall be amended to read as follows:

154-1.A	Marriage Licenses: As set by N.J.S.A. 37:1-12 et seq.
154-1.B	Certified copies of marriage, Civil Union, Domestic Partnership, Remarriage, Reaffirmation of Civil Union, Birth or Death Certificates: $15.00 per copy
154-1.C	Burial Permits: As set by N.J.SA. 26:6-17
154-1.D	Corrections to Birth, Death, or Marriage Certificates: $10.00

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 27, 2022.

INTRODUCED: 09/13/2022

DATE OF PUBLICATION:
OF INTRODUCTION September 16, 2022

ORDINANCE #2070-22

AN ORDINANCE CREATING A NEW CHAPTER 86 TO BE ENTITLED "FILMING" WITHIN THE BOROUGH OF MIDDLESEX CODE

WHEREAS, the current Code of the Borough of Middlesex ("Code") does not contain any ordinances related to a film commission, filming permits and such regulations associated therewith; and

WHEREAS, Chapter 86 of the Code has previously been repealed and remains reserved.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey be and is hereby amended as follows:

Section I

Chapter 86 is hereby re-established and added to the Ordinances of the Borough of Middlesex and shall be titled as follows:

Chapter 86: Filming

Section II

Chapter 86. entitled "Filming", is hereby added to the Ordinances of the Borough of Middlesex and shall read as follows (all text is to be inserted as new text):

§ 86-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CREW

Actors, extras, crew and all other persons who will participate in the filming.

FILMING

The taking of still or motion pictures, or any incidental activities in connection therewith, using film, videotape or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes, any portion of which activity occurs on public lands.

PUBLIC LANDS

Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Borough which is within the jurisdiction and control of the Borough.

§ 86-2 **Film Commission.**

There shall be a three-member Film Commission established, consisting of the Mayor, Chief of Police and a member of the Borough Council to be appointed thereby from amongst its membership, which is hereby authorized to issue permits for filming or performing incidental activities in connection therewith on public lands.

§ 86-3 **Permit required; applications; information.**

A. No person, firm or corporation shall film or permit filming or any activity in connection therewith within the Borough of Middlesex on public land without first obtaining a permit therefor from the Film Commission, which permit shall set forth the location of such filming and the date or dates when filming shall take place.

B. Permit forms shall be obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Clerk and shall be accompanied by a permit fee of an initial $500.00 (includes the first day of filming and includes a nonrefundable filing fee of $100.00), plus $300.00 per day thereafter that filming shall take place, plus additional bond as referenced in § 86-3.1.

C. With each permit, the applicant shall provide the following information:

(1) The number of members of the filming crew.
(2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.
(3) A description of arrangements for parking for crew and work vehicles.
(4) A description of sanitary arrangements to be made for crew and bystanders.
(5) A description of crowd control measures.
(6) A description of all location areas for filming or incidental activities.
(7) A description of cleanup methods to be used.
(8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
(9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth in § 75-4 hereof.
(10) Proof of insurance coverage as follows: combined single limit liability limits of $1,000,000 and aggregate coverage in the amount of $2,000,000. The Borough of Middlesex shall be named as an additional insured under the applicant's policy.
(11) An agreement in writing to indemnify and save harmless the Borough of Middlesex from any and all liability or damages from the use of such public lands for such filming.
(12) Such other information as required by the Film Commission necessary to protect the health, safety and welfare of the residents of the Borough.

§ 86-3.1 **Bond.**

Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of $2,000 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Borough for property damage. The posting of the bond shall not be in lieu of providing liability insurance. The cash bond will be returned to the applicant, without interest, within 30 days after the applicant has notified the Borough, in writing, that it has completed filming, unless the Borough has unsatisfied claims against the applicant, in which case the Borough will hold the bond, or a part thereof, until all claims against the applicant are satisfied.

§ 86-4 **General regulations.**

A. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Borough of Middlesex Police Department with respect thereto.
B. The holder of a permit shall conduct filming in such a manner so as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall,

to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit to the extent possible any interference with normal public activity on such public lands.

C. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first. The Borough will require the posting of a letter of credit, bond or other performance guaranty in the amount of $1,000 to cover possible costs incurred.

D. Filming shall take place within the hours agreed upon by the Borough Film Commission and the film company.

E. Each film location shall have an off-duty Borough of Middlesex police officer, or a police officer approved by the Borough of Middlesex Police Chief, at the film location, the cost of which shall be paid by the film company, unless the Chief shall determine that no officer is necessary.

F. No public street in the Borough may be closed without the express permission of the Mayor and Council.

G. If any inspections such as fire, electrical, building or plumbing are required, the costs shall be paid by the film company.

§ 86-5 **Issuance of permit.**

A. The Film Commission will authorize the issuance of a permit to the applicant if it determines, based on the information supplied, that the applicant can provide adequate measures for parking, sanitary facilities, crowd control and cleanup; that the applicant will comply with the rules and regulations set forth in § 86-4 hereof; and that the filming will not unduly interfere with the use and enjoyment of private property or the public facilities of the Borough and will not endanger the public's health, safety and welfare.

B. The Borough Film Commission may refuse to issue a permit whenever, in its judgment, based on the information submitted, it determines that:

(1) Filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

(2) The applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup.

(3) The applicant has failed to establish that the filming would not unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the free flow of vehicular or pedestrian traffic; or otherwise endanger the public's health, safety or welfare.

(4) The applicant has not shown that it can comply with the rules and regulations set forth in § 86-4 hereof.

§ 86-6 **Violations and penalties.**

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed $1,000 or imprisonment for a term not to exceed 90 days, or both.

§ 86-7 **Exceptions.**

The provisions of this chapter shall not apply to the filming of news stories or filming with a crew of four or fewer members.

Section III

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

Section IV

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 V

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general 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 27, 2022.

INTRODUCED: September 13, 2022

DATE OF PUBLICATION:
OF INTRODUCTION September 16, 2022

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

Resolution #272-2022

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Approval of the August, 2022 Police Report
2. Approval of Joseph McCauley and Joseph Buro as drivers for Engine 21 for the Middlesex Fire Department.

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 27, 2022.

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

Resolution #273-2022

APPROVING THE PLACE-TO-PLACE TRANSFER FOR THE EXTENSION OF PREMISES FOR VILLA VERDENSE CORP. (VINCENZO'S RESTAURANT) (LICENSE 1211-33-012-004) EFFECTIVE SEPTEMBER 27, 2022

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License No. 1211-33-012-004, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Middlesex does hereby approve, effective September 27, 2022, the expansion of the aforesaid Plenary Retail Consumption License with premises located at 665 Bound Brook Road to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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 27, 2022.

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

Resolution #274-2022

APPROVING THE ACQUISITION OF BLOCK 278, LOTS 60 AND 61 BY THE ARMY CORP. OF ENGINEERS FOR THE GREEN BROOK LOCAL FLOOD REDUCTION PROJECT

WHEREAS, in regard to the Green Brook Local Flood Reduction Project, it is necessary for the Army Corps of Engineers to acquire fee title to Block 278, Lots 60 and 61; and

WHEREAS, in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, it has been established that a qualified real estate appraiser has appraised this property for the amount of $19,700; and

WHEREAS, the Government proposed to purchase these interests for $19,700 and require the execution of the Offer to Sell Real Property to be executed by Mayor Madden; and

WHEREAS, in conjunction with the Offer to Sell Real Property, the Borough will be filing a claim for Actual Reasonable Moving and Related Expenses for the actual loss of personal property and substitute personal property (playground equipment) in the amount of $85,926.19.

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

1. The Governing Body authorizes the Mayor to execute the Offer to sell Real Property for Block 278, Lots 60 and 61 in the amount of $19,700, and authorize the Mayor to execute the Claim for Actual Reasonable Moving and Related Expenses for the playground equipment in the amount of $85,926.19.

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 27, 2022.

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

Resolution #275-2022

AUTHORIZING THE TAX COLLECTOR TO CANCEL THE BALANCE OF 4TH QTR. 2022 TAXES, 1ST QTR. 2023 AND 2ND QTR. 2023 TAXES FOR BLOCK 239.02 LOT 7

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 239.02 Lot 7, 136 Lee 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 9/14/2022; and,

NOW, THEREFORE, the Tax Collector is hereby authorized to cancel the balance of property taxes off Block 239.02 Lot 7, 136 Lee Drive,

4th Qtr. 2022 in the amount of $2,262.78
1st Qtr. 2023 in the amount of $2,205.02
2nd Qtr. 2023 in the amount of $2,205.01

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 27, 2022.

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

Resolution #276-2022

AUTHORIZING THE TAX COLLECTOR TO CANCEL 4TH QTR. 2022 AND 1ST & 2ND QTR. 2023 TAXES ON BLOCK 244 LOT 9

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

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

WHEREAS, the purchase of Block 244 Lot 9 was recorded on 8/23/2022; and,

NOW THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to cancel 4th Qtr. 2022 and 1st & 2nd Qtr. 2023 taxes on Block 244 Lot 9 in the following amounts;

2022 4th Qtr. $2,370.92

2023 1st Qtr. $2,312.03

2022 2nd Qtr. $2,312.02

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 27, 2022.

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

Resolution #277-2022

APPROVAL OF THE CORRECTIVE ACTION PLAN ON THE 2021 AUDIT

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2021 Audit, according to Local Finance Board Directive 92-15.

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 September 27, 2022.

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

Resolution #278-2022

AUTHORIZING THE PURCHASE OF A REPLACEMENT FREE STANDING CARPORT FOR THE OEM COMMAND POST VEHICLE FROM CARPORT CENTRAL IN THE AMOUNT OF $13,500.50

WHEREAS, the Borough of Middlesex wishes to purchase a replacement Free Standing Carport for the OEM Command Post vehicle which sustained damages during strong winds on April 28, 2022;

WHEREAS, three (3) quotes were solicited for said carport and only one (1) response was received:

Carport Central, $13,500.50

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that approval to purchase the replacement Free Standing Carport for the OEM Command Post vehicle from Carport Central in the amount of $13,500.50 is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed $13,500.50 are available in the 2018 Capital Budget - Building & Grounds, Account: C-04-18-947-000-083.

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 27, 2022.

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

Resolution #279-2022

AUTHORIZING THE PURCHASE OF A 2023 CHEVROLET TAHOE FOR THE POLICE DEPARTMENT IN THE AMOUNT OF $59,959.51

WHEREAS, as a member of the Education Services Commission of New Jersey (ESCNJ), the Police Department of the Borough of Middlesex wishes to purchase one (1) 2023 Chevrolet Tahoe in the amount of $43,994.10 under ESCNJ State Approved Co-Op #20/21-09; and

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

WHEREAS, Mall Chevrolet, Cherry Hill, NJ, is an authorized vehicle dealer under the ESCNJ State Co-Op #20/21-09; and

WHEREAS, quotes were solicited to provide the necessary police vehicle equipment from the following vendors not listed under a State Contract or Co-Op:

Visual-E-Fex, LLC - $2,200.00
Island Tech Services - $13,765.41

WHEREAS, the total cost for the purchase of the 2023 Chevrolet Tahoe and the necessary police vehicle equipment is not to exceed $59,959.51; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase one (1) 2023 Chevrolet Tahoe, from Mall Chevrolet and the necessary vehicle equipment from Visual-E-Fex, LLC and Island Tech Services; and

NOW FURTHER BE IT RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed $59,959.51 are available in the Police Department, 2022 Capital Budget, Account No. C-04-22-062-000-071.

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 27, 2022.

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

Resolution #280-2022

AUTHORIZING A REFUND TO LISA GANJOIN, 38 E HANOVER SQUARE, IN THE AMOUNT OF $57.70 FOR OVERPAYMENT OF SEWER FEES

WHEREAS, payment was sent in for sewer account # 2187-0 in the amount of $100.00; and,

WHEREAS, the amount due was $42.30; and,

WHEREAS, the property owner is entitled to a refund as there is a credit of $57.70 on the account; and

NOW THEREFORE, a check in the amount of $57.70 should be made payable to:

Lisa Ganjoin
38 E Hanover Square
Middlesex, NJ 08846

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 27, 2022.

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

Resolution #281-2022

AUTHORIZING THE TAX COLLECTOR TO WAIVE AND ADJUST SEWER BILLS ON BLOCK 82, LOT 12

WHEREAS, As per Ordinance 1889-16, all users which discharge more than 120,000 gallons of domestic sanitary wastewater per annum, shall be charged a service charge for flow, and:

WHEREAS, any dispute as to the billing or charges or to the amount of the bill or calculation thereof, may be appealed, and;

WHEREAS, said appeal shall be in writing and shall include in sufficient detail, the relief sought, the evidence, information or documents to support the relief sought, and;

WHEREAS, as per the appeal process the proper supporting documentation was submitted and reviewed, and;

THERFORE, the following charges on the below property has been waived or adjusted and/or a refund is due:

Block/Lot:	82 / 12
Original Amount:	$190.28
New Amount:	$0.00
Refund:	$190.28

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 27, 2022.

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

Resolution #282-2022

AUTHORIZES THE MAYOR TO EXECUTE THE PROPOSAL FOR ENGINEERING SERVICES FROM PS&S IN THE AMOUNT OF $26,650.00 FOR THE REPLACEMENT OF TWO ROOFTOP AIR HANDLING UNITS FOR THE POLICE DEPARTMENT

WHEREAS, the governing body received a proposal from PS&S dated September 14, 2022 the Design, Inspection and Construction Administrative Services for the Replacement of two (2) Rooftop Air Handling Units for the Police Department; and

WHEREAS, the proposal for this project includes:

1.	Investigation/Backgrounds/Design Development	$10.000.00
2.	Final Design:	$ 8,500.00
3.	Bidding Assistance:	$ 2,600.00
4.	Limited Construction Administration:	$ 5,550.00

TOTAL COST **$26,650.00**

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 governing body hereby approves the proposal from PS&S, dated September 14, 2022, for the Design, Inspection and Construction Administration Services for the Replacement of two (2) Rooftop Air Handling Units.

2. The Governing Body authorizes the Mayor to execute the proposal for Engineering Services from PS&S in the amount of $26,650.00.

3. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Treasurer hereby certifies that funds in the amount of $26,650.00 are available in Account No. C-04-21-039-000-083.

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 27, 2022.

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

Resolution #283-2022

AUTHORIZING THE MAYOR TO EXECUTE THE APPROVAL OF THE PURCHASE AND SALE AGREEMENT BETWEEN THE MIDDLESEX PRESBYTERIAN CHURCH AND THE BOROUGH OF MIDDLESEX

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Purchase and Sale Agreement between the Middlesex Presbyterian Church and the Borough of Middlesex in the amount of $900,000.00.

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 September 27, 2022.

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

Resolution #284-2022

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 September 27, 2022.

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

Resolution #285-2022

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 including: (1) Dispensation of Borough Owned Property; (2) Rescue Squad Lease; and (3) Personnel Issue - Janitor/Buildings & Grounds Maintenance Position 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.

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 27, 2022.