



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, October 8, 2019

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 President John Madden	☐	☐	☐	
Council Member Douglas Rex	☐	☐	☐	
Council Member Jason Carr	☐	☐	☐	
Council Member Dan Parenti	☐	☐	☐	
Council Member Kevin Dotey	☐	☐	☐	
Council Member Jack Mikolajczyk	☐	☐	☐	
Administrator Marcia Karrow	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

4. **PRESENTATIONS**
5. **APPOINTMENTS**
6. **PROCLAMATIONS**

1. Put the Brakes on Fatalities Day® October 10, 2019

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

1. **Ordinance 1979-19** BOND ORDINANCE PROVIDING FOR THE REVISION OF THE BOROUGH TAX MAPS, VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$1,258,553 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,195,625.35 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY
2. **Ordinance 1980-19** AN ORDINANCE AMENDING CHAPTER 387 (TOWING), OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SO AS TO UPDATE AND CLARIFY CERTAIN PROVISIONS THEREOF

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

1. **Ordinance 1978-19** CAPITAL ORDINANCE AMENDING IN PART CAPITAL ORDINANCE NO. 1899-16 ADOPTED OCTOBER 11, 2016, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND APPROPRIATING \$614,202.14 THEREFOR, IN ORDER TO AMEND THE SCOPE OF IMPROVEMENTS TO INCLUDE THE ACQUISITION OF A FINGERPRINT MACHINE AND TO EXCLUDE THE ACQUISITION OF AN ALCOHOL MEASUREMENT INSTRUMENT, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

9. ADOPTION OF MINUTES

1. Approval of the September 24, 2019 Regular & Executive Meeting Minutes

10. MAYOR'S REPORT

11. REPORTS - STANDING COMMITTEES

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
 1. September 2019 Tax Totals Report
2. Fire/OEM/Rescue Squad
3. Recreation/Recreation Fields/Swim Pool/Community Celebrations
 1. Approval of the September, 2019 Recreation Director's Summary
 2. Approval of the October, 2019 Recreation Director's Report
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court
6. Administration/Department of Senior Services/Legislation/Licensing

12. ADMINISTRATOR'S REPORT

13. 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.

- 14. 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 257-2019** Acknowledging the Change in Status for Certain Properties under the Senior Citizen/Disabled Person Tax Deductions

2. **Resolution 258-2019** Acknowledging the Change in Status for Certain Properties Under the Veteran Tax Deductions
3. **Resolution 259-2019** Authorizing the Tax Collector to Cancel Certain Property Taxes for the Homeowner of 30 Martin Street, Block 241, Lot 1 as He Has Been Declared a 100% Disabled Veteran by the Division of Veterans Affairs
4. **Resolution 260-2019** The Governing Body hereby Rejects the Bids for Public Relations and Design Services per N.J.S.A. 40A:11-13.2(d)

15. 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 261-2019** Pay All Claims
2. **Resolution 262-2019** Executive Session

16. AGENDA WORKSHOP ITEM

17. 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.

18. EXECUTIVE SESSION

1. 150 Lincoln Boulevard and 242 Lincoln Boulevard (potential litigation)

19. ADJOURNMENT

1. The next Regular Meeting will be October 22, 2019

PROCLAMATION

Put the Brakes on Fatalities Day® October 10, 2019

October 10, 2019, has been declared ***Put the Brakes on Fatalities Day®*** by the Borough of Middlesex;

WHEREAS, Across the nation, traffic crashes caused 36,750 fatalities in 2018, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, In New Jersey, 563 individuals lost their lives in traffic crashes in 2018; and,

WHEREAS, Pedestrian related crashes accounted for 31.0 percent of the State's traffic fatalities,

WHEREAS, Motorcyclists, and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 53 motorcyclists, and 165 pedestrians were killed in New Jersey in traffic-related crashes in 2018; and,

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

Now, therefore, I Ronald J. DiMura, Mayor of the Borough of Middlesex, do hereby proclaim October 10, 2019, ***Put the Brakes on Fatalities Day®***, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

DATED: October 8, 2019

Gretchen McCarthy

Mayor Ronald J. DiMura

ORDINANCE #1979-19

BOND ORDINANCE PROVIDING FOR THE REVISION OF THE BOROUGH TAX MAPS, VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$1,258,553 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,195,625.35 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

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 of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,258,553, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$62,927.65 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,195,625.35, 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 purposes for which the obligations are to be issued consist of:

i) the revision of the Borough Tax Maps, with a total appropriation and estimated cost of \$25,000, estimated amount of bonds and notes therefor of \$23,750, and an average period of usefulness of five (5) years;

ii) acquisition of equipment for the Police Department, with a total appropriation and estimated cost of \$103,328, estimated amount of bonds and notes therefor of \$98,161.60, and an average period of usefulness of 5 years;

iii) acquisition of equipment for emergency management, with a total appropriation and estimated cost of \$7,000, estimated amount of bonds and notes therefor of \$6,650, and an average period of usefulness of five (5) years;

iv) acquisition of Fire Department equipment, including but not limited to, bunker gear, SCBA equipment, and communication equipment, with a total appropriation and estimated cost of \$326,000, estimated maximum amount of bonds and notes therefor of \$309,700, and an average period of usefulness of 5 years;

v) acquisition of various equipment for the Road Department, including but not limited to the acquisition of a Diagnostic Tester for Vehicles, a Road Department vehicle, a 34" Road Planer for Bobcat Skid Steer, an additional Brine Tank, and a 7-8 yard Salt Spreader, with a total appropriation and estimated cost of \$178,000, estimated amount of bonds and notes therefor of \$169,100, and an average period of usefulness of five (5) years; and

vi) acquisition of various equipment for the Parks Department, including but not limited to, a ride on leaf blower, new Aerators for Lake, and an enclosed trailer, with a total appropriation and estimated cost of \$70,000, estimated amount of bonds and notes therefor of \$66,500, and an average period of usefulness of five (5) years,

vii) the acquisition of a new Meals on Wheels Vehicle for Senior Services, with a total appropriation and estimated cost of \$20,000, estimated amount of bonds and notes therefor of \$19,000, and an average period of usefulness of five (5) years,

viii) the acquisition of equipment and various improvements for Buildings and Grounds, including but not limited to, the acquisition of a heating/cooling unit, building improvements, electrical improvements, improvements to the Gazebo, and the acquisition of HVAC software, with a total appropriation and estimated cost of \$87,225, estimated amount of bonds and notes therefor of \$82,863.75, and an average period of usefulness of (15.6) years,

ix) the acquisition of equipment for the Sewer Department, including but not limited to a mobile bypass pump, with a total appropriation and estimated cost of \$60,000, estimated amount of bonds and notes therefor of \$57,000, and an average period of usefulness of five (5) years,

x) Flood prevention program, including, but not limited to, stream cleaning, with a total appropriation and estimated cost of \$50,000, estimated amount of bonds and notes therefor of \$47,500, and an average period of usefulness of five (5) years,

xi) the repaving of various roads, with a total appropriation and estimated cost of \$332,000, estimated amount of bonds and notes therefor of \$315,400, and an average period of usefulness of ten (10) years

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 \$1,195,625.35, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,258,553, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,258,553 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$62,927.65 down payment for said purposes.

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, 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 6.97 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$1,195,625.35 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 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.

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 Borough 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 within the appropriation herein authorized 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. 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 October 8, 2019.

INTRODUCED: October 8, 2019

DATE OF PUBLICATION:
OF INTRODUCTION October 11, 2019

ORDINANCE #1980-19

AN ORDINANCE AMENDING CHAPTER 387 (TOWING), OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SO AS TO UPDATE AND CLARIFY CERTAIN PROVISIONS THEREOF

WHEREAS, the Middlesex Borough Police Department seeks to update and clarify the Borough's towing ordinance; and

WHEREAS, the Mayor and Council concur with the Police Department's recommendations related to the tow ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that Chapter 387 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, is hereby amended as follows:

SECTION I.

Section 387-1(B) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Definitions. For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

BASE OF OPERATION

Where the wrecker's vehicles shall be garaged, stored and located, which shall be within a ~~three and one-half~~ **4.25-mile** ~~diameter~~ **radius** of the herein-defined center of the Borough, being the ~~Municipal Building~~ **Middlesex Borough Police Headquarters**, located at ~~1200~~ **1101** Mountain Boulevard **Avenue**, Middlesex, New Jersey, as set forth on the map identified as Schedule A.

BASIC TOWING SERVICE

~~The removal and transportation of an automobile from a highway, street or other public or private road or parking area or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm.~~

- (1) **The removal and transportation of an automobile or motorcycle from a highway, street or other public or private road or any parking area or from a storage facility and other services normally incident thereto. This does not include recovery of an automobile which is fixed or has been thrust upon any other object within or without the right-of-way or berm, nor does it include removal of trucks or buses. This includes but is not limited to any motor vehicles that can be driven, under its own power, to the wrecker or the wrecker can pull up and remove the motor vehicle.**

- (2) Pursuant to N.J.A.C. 13:45A-31.2 of the rules of the State Division of Consumer Affairs, "basic towing service" also includes 15 minutes' waiting time after arriving at the site from which a motor vehicle will be towed.
- (3) Pursuant to N.J.A.C. 13:45A-31.2 of the rules of the State Division of Consumer Affairs, "basic towing service" also includes issuing documents for the release of the motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of the motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage.

BOROUGH

The Borough of Middlesex.

CHIEF OF POLICE

The Chief of the Police Department of the Borough of Middlesex or anyone designated by him.

HEAVY TOWING SERVICES

Any towing or recovery of an automobile which is fixed or has been thrust upon any other object within or without the right-of-way or berm, or any towing that includes removal of a truck, bus, or other similar vehicle, or any towing service not classified as Basic Towing Services as defined herein.

INSIDE BUILDING

A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage or removal of vehicles that is secured by a locking device on each opening.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet in height and which is installed with a passive alarm or a similar on-site security measure. The facility is to be lighted at night so as to render the interior of the storage area visible.

OUTSIDE UNSECURED

An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as "inside building" or "outside secured."

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

TOWING LIST

A list maintained by the Police Department containing the names of those wreckers licensed and contracted by the Borough to respond to requests for towing of vehicles made by the Police Department.

WRECKER

A person in the business of, or offering the services of, a towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

SECTION II.

Section 387-4(B)(5) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The location, size and security features of the storage lot where vehicles shall be towed, a clear photograph or photographs of the lot, which lot shall be screened from public view, and which lot shall conform with all municipal ordinances, land use laws and the applicable zoning code. The wrecker agrees to ensure that the storage facility is safe and secure, utilizing all reasonable means to prevent theft, vandalism, damage to vehicles and/or any criminal activity. Any storage lot located outside of the Borough shall not be located more than ~~three miles, by roadway, from any Borough border~~ **4.25 miles from the Middlesex Borough Police Headquarters at 1101 Mountain Ave in the Borough.**

SECTION III.

Section 387-6 shall be retitled "Minimum Operational Standards" and is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

~~Minimum equipment to be maintained by the wrecker shall include:~~

- A. **Minimum equipment to be maintained by the wrecker shall include** ~~A~~at least one flatbed-type wrecker with a minimum chassis rating of 11,000 pounds gross vehicle weight.
- B. All vehicles must be clearly and permanently marked with the name of the wrecker.
- C. All vehicles must be equipped with an appropriate mobile communications device, cab-mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle law standards and all light permits being obtained), tow sling-type bars with rubber straps and/or wheel lift capability with safety straps to prevent damage to towed vehicles, steering locks for towing vehicles from the rear, fire extinguishers of A B C type, safety chains, a stiff push broom, safety flairs and portable safety lights to be installed on towed vehicles if necessary.
- D. All operators must wear high-visibility ANSI-compliant traffic vests at all tow scenes.

SECTION IV.

Section 387-13(A) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Towing services shall rotate among the licensed wreckers on a weekly basis. The week will start on Monday at 8:00 a.m. on the first of the week and will conclude at 7:59 a.m. on the first day of

the following week. During the week that the towing service is assigned, all calls for service requested through the Police Department will be accepted. Refusal or inability to respond automatically results in the next wrecker on the list being summoned. The Chief of Police shall not call or cause to be called any wrecker not licensed with the Borough unless all such wreckers are unavailable. In the event that the wrecker on duty ~~does not own a heavy-duty wrecker~~ **cannot perform a tow requiring heavy towing services as defined in this Chapter,** the Chief of Police is authorized to call the current heavy-duty wrecker company approved by, and under contract with, the Middlesex County Prosecutor's Office.

SECTION V.

Section 387-15 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The fees set forth in the schedule for towing rates are the maximum charges that shall apply to a private passenger automobile for towing services rendered as the result of police request, an accident or theft recovery. There shall be no additional charges other than those provided by statute, including but not limited to flatbedding, when requested, waiting time, winching, cleanup cost and additional labor, when only basic towing services as defined are provided.

B. The towing rates shall be calculated based on the total distance traveled from the tow vehicle's base of operation to the tow site and return by way of the shortest available route. Fractions shall be rounded up to the nearest whole mile.

C. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

D. When towing services are required, the day rate shall apply when the vehicle was transported (picked up for delivery) entirely between 8:00 a.m. and 5:00 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rates shall apply otherwise.

E. The fees set forth in the schedule for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to a private passenger automobile that is stored by a person.

F. If, in the course of any criminal investigation, either basic towing services or heavy towing services are required to tow a vehicle stored by a wrecker to any facility operated by the Borough, the wrecker shall assess the fee applicable under the towing fee schedule contained in this Chapter against the owner of the vehicle to be towed. The Borough shall not be liable for fees assessed pursuant to this Chapter for vehicles seized thereby in the course of a criminal investigation.

SECTION VI.

Section 387-16 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The following is the fee schedule for towing services:

(1) Days.

(a) Tow **Basic Towing Services** to yard: \$75 **115.00**.

(b) Tow **Basic Towing Services** to any other destination: ~~\$75~~ **115.00** (plus \$5 for each additional mile past first mile).

(c) **Heavy Towing Services: Prevailing market rate commensurate to services rendered by the wrecker.**

(2) Nights, weekends and holidays.

(a) Tow **Basic Towing Services** to yard: ~~\$85~~ **125.00**.

(b) Tow **Basic Towing Services** to any other destination: ~~\$85~~ **125.00** (plus \$5 for each additional mile past first mile).

(c) **Heavy Towing Services: Prevailing market rate commensurate to services rendered by the wrecker.**

B. The following is the fee schedule for towing services of Borough-owned vehicles:

(1) There shall be no charge for the towing of Borough-owned vehicles within the Borough limits **or any tow that occurs less than 4.25 miles from the Middlesex Borough Police Headquarters at 1101 Mountain Ave in the Borough. This provision shall apply to either Basic Towing Services or Heavy Towing Services.**

(2) There shall be a flat fee of \$150 for the towing of Borough-owned vehicles from outside the Borough limits. **This provision shall apply to either Basic Towing Services or Heavy Towing Services.**

C. The following is the fee schedule for storage services:

(1) Inside building: \$30 per day (at the request of the owner or Police Department).

(2) Outside secured: \$25 per day.

(3) Outside unsecured: \$15 per day.

SECTION VII.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION VIII.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IX.

This ordinance shall take effect in the time and manner provided by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on October 8, 2019.

INTRODUCED:

October 8, 2019

DATE OF PUBLICATION:
OF INTRODUCTION

October 11, 2019

ORDINANCE #1978-19

CAPITAL ORDINANCE AMENDING IN PART CAPITAL ORDINANCE NO. 1899-16 ADOPTED OCTOBER 11, 2016, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND APPROPRIATING \$614,202.14 THEREFOR, IN ORDER TO AMEND THE SCOPE OF IMPROVEMENTS TO INCLUDE THE ACQUISITION OF A FINGERPRINT MACHINE AND TO EXCLUDE THE ACQUISITION OF AN ALCOHOL MEASUREMENT INSTRUMENT, 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") adopted Capital Ordinance No. 1899-16 on October 11, 2016 (the "Prior Ordinance") authorizing various capital improvements; and

WHEREAS, the Borough has determined that the purpose of the Prior Ordinance should be amended to include the acquisition of a fingerprint machine and to exclude the acquisition of an alcohol measurement instrument, without amending the aggregate appropriation for said improvements.

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 One. Section 2 of the Prior Ordinance is hereby amended to read as follows:

SECTION 2. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are Police: fingerprint machine, replace OC - MK3 and MK9, patrol car radar unit replacement, bullet proof vests and modular UPS revitalization service; Garage: garbage trucks nos. 1 and 2; Roads: portable trailer mounted steam cleaner; Rescue Squad: power load cot fastening system; Recreation: Haverstick slide replacement; Buildings and Grounds: Municipal Building upgrade and new postage machine; Stream Cleaning: stream cleaning; and Mill and Overlay: mill and overlay. The appropriation set forth above also includes all work, materials, appurtenances and equipment necessary for or incidental thereto.

Section Two. The 2019 capital budget of the Borough shall 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 Borough Clerk and is available there for public inspection.

Section Three. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section Four. All other provisions of the Prior Ordinance remained unchanged.

Section Five. This ordinance shall take effect as provided by law.

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on October 8, 2019.

INTRODUCED: September 24, 2019

DATE OF PUBLICATION:
OF INTRODUCTION September 27, 2019

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

Resolution #257-2019

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES
UNDER THE SENIOR CITIZEN/DISABLED PERSON TAX DEDUCTIONS**

WHEREAS, certain Senior Citizens/Disabled Persons were the owners of property in the Borough of Middlesex on or before October 1, 2018, and

WHEREAS, said Senior Citizens/Disabled Persons did file their claims for the Senior Citizen/Disabled Person deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2019; and

WHEREAS, the Tax Collector has disallowed the following Senior Citizen/Disabled Person deduction for the 2019 year totaling \$128.77.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Reason</u>	<u>Year</u>
O'Brien, Genevieve	59	10	\$128.77	Sale 6/26/19	2019 Prorated

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, Middlesex County, that the Chief Financial Officer of the Borough of Middlesex, Middlesex County be instructed to post to the books the collection of taxes receivable as detailed.

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 October 8, 2019.

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

Resolution #258-2019

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES
UNDER THE VETERAN TAX DEDUCTIONS**

WHEREAS, certain Veterans were the owners of property in the Borough of Middlesex on or before October 1, 2018, and

WHEREAS, said Veterans did file their claims for the Veteran deduction with the proper official of the Borough of Middlesex, Middlesex County prior to December 31, 2019; and

WHEREAS, the Tax Collector has allowed the following Veteran deductions for the 2019 year totaling \$250.00.

Name: Rocchietti, Carlo A & Loretta F
Block/Lot: 256/1
Amount: \$250.00

Name: Devaney, Lawrence & Cheryl
Block/Lot: 302/43
Amount: \$250.00

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, Middlesex County, that the Chief Financial Officer of the Borough of Middlesex, Middlesex County be instructed to post to the books the collection of taxes receivable as detailed.

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 October 8, 2019.

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

Resolution #259-2019

**AUTHORIZING THE TAX COLLECTOR TO CANCEL CERTAIN PROPERTY TAXES
FOR THE HOMEOWNER OF 30 MARTIN STREET, BLOCK 241, LOT 1 AS HE HAS
BEEN DECLARED A 100% DISABLED VETERAN BY THE DIVISION OF VETERANS
AFFAIRS**

WHEREAS, the homeowner of 30 Martin Street, Block 241, Lot 1, has been declared a 100% Disabled Veteran by the Division of Veterans Affairs, and:

WHEREAS, 100% Disabled Veterans are tax exempt, and;

THEREFORE, the Tax Collector is hereby authorized to cancel the following taxes:

3rd Qtr. 2019 in the amount of \$2,146.38

4th Qtr. 2019 in the amount of \$2,146.37

1st Qtr. 2020 in the amount of \$2,083.20

2nd Qtr. 2020 in the amount of \$2,083.20

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 October 8, 2019.

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

Resolution #260-2019

THE GOVERNING BODY HEREBY REJECTS THE BIDS FOR PUBLIC RELATIONS AND DESIGN SERVICES PER N.J.S.A. 40A:11-13.2(D)

WHEREAS, the Borough of Middlesex authorized the receipt of bids for Public Relations and Design Services; and

WHEREAS, bids were received on August 28, 2019, and opened in public; and

WHEREAS, rejecting as per pursuant to N.J.S.A. 40A:11-13.2 (d), a contracting unit may reject all bids if the contracting unit requires to substantially revise the specifications for goods or services; and

WHEREAS, the Borough rejects all bids received on August 28, 2019, as the specifications require to be substantially revised.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex in the County of Middlesex, State of New Jersey that: It hereby rejects all bids received on August 28, 2019 for the Public Relations and Design Services as the specifications require to be substantially revised.

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 October 8, 2019.

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

Resolution #261-2019

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 October 8, 2019.

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

Resolution #262-2019

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. 150 Lincoln Boulevard and 242 Lincoln Boulevard (potential 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 October 8, 2019.