



Borough of Middlesex

1400 Mountain Avenue
Middlesex, NJ

Mayor and Council Regular Meeting

~ Agenda ~

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

Tuesday, June 15, 2021

7:00 PM

Recreation Center

- I. **MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at Borough Hall.
- II. **SALUTE TO FLAG**
- III. **ROLL CALL**

Attendee Name	Present	Absent	Late	Arrived
Mayor John Madden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council President James Eodice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Jeremiah Carnes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilwoman Amy Flood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Jack Mikolajczyk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Martin Quinn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Douglas Rex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Administrator Marcia Karrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Borough Attorney Christopher Corsini	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- IV. **PRESENTATIONS**
- V. **APPOINTMENTS**
- VI. **PROCLAMATIONS**
- VII. **2021 BUDGET HEARING**
- VIII. **ORDINANCE(S) FOR INTRODUCTION**
 - 1. **Ordinance 2037-21** AMENDING CHAPTER 420 (ZONING) SO AS TO PERMIT CERTAIN CLASSES OF CANNABIS BUSINESSES IN APPROPRIATE ZONES
- IX. **ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION**
 - 1. **Ordinance 2035-21** AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 309 PEDDLING AND SOLICITING, SECTION 309-6 APPLICATION FOR LICENSES
 - 2. **Ordinance 2036-21** AN ORDINANCE AMENDING CHAPTER 355-10 (MAINTENANCE AND REPAIR - STORMWATER CONTROL REGULATIONS) TO CONFORM TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS
- X. **ADOPTION OF MINUTES**

1. Approval of the May 25, 2021 Regular Meeting Minutes

XI. MAYOR'S REPORT

XII. COUNCIL MEMBER REPORTS

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

XIII. ADMINISTRATOR'S REPORT

XIV. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 159-2021** Authorizing the Mayor and Borough Clerk to Execute the Middlesex Borough Public Works Employees Contract Effective January 1, 2021 - December 31, 2024
2. **Resolution 166-2021** Acceptance of Standing Reports
3. **Resolution 167-2021** Renewal of Liquor Licenses for 2021-2022
4. **Resolution 168-2021** Reimbursement of Dog License Fee in the Amount of \$10.00 to Joshua Fitzsimmons, 2 Primrose Lane, #1R, Fords NJ
5. **Resolution 169-2021** Authorizing the Mayor to Execute an Estoppel Certificate By, and Between, the Borough of Middlesex and Middlesex Residential Urban Renewal, LLC, For Property Designated As Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 on the Official Tax Maps of the Borough

6. **Resolution 170-2021** Authorizing the Tax Collector to Adjust 1st and 2nd Quarter, 2021 Billed Taxes as Property Owner at Block 71.02 Lot 2 was Declared 100% Exempt on 10/28/2020
7. **Resolution 171-2021** Authorizing the Tax Collector to Adjust Property Taxes for Block 295, Lot 8 and Block 312, Lot 14.01 Due to Duplicate Billing on These Properties
8. **Resolution 172-2021** Approving the Proposal from Colliers Engineering & Design for the 2018 NJDOT Route 28 Streetscape Project and Authorizing the Mayor to execute the Client Contract
9. **Resolution 173-2021** Authorizing the Treasurer to Pay the Full Allowance of \$4,183.97 to Sgt. Stephen Johnson in Accordance with the PBA Contract
10. **Resolution 174-2021** Authorizing Reimbursement of Medicare Premiums for Certain Eligible Pensioners Under Chapter III, Public Law 1973, NJ Health Benefits Plan
11. **Resolution 175-2021** Authorizing the Mayor and Borough Clerk to Execute the Litter Pick Up Program Agreement Between Middlesex Borough and the County of Middlesex
12. **Resolution 176-2021** Authorizing the Mayor to Execute the U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds and Agree to the Terms and Conditions
13. **Resolution 177-2021** Authorizing the Mayor to Execute the Certificate of Completion for 150 Lincoln Boulevard Urban Renewal, LLC
14. **Resolution 178-2021** The Governing Body approves Payment of \$26,000 to Stilo Excavation, Inc. to Complete the 2019 DOT Road Program Project to Include the Sections of Fisher Avenue in Front of the Schools
15. **Resolution 179-2021** Termination of Dylan Bauman from the DPW Effective June 9, 2021
16. **Resolution 180-2021** Hiring Michael Peery as a Part Time Laborer in the Department of Public Works

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

1. **Resolution 181-2021** Pay All Claims
2. **Resolution 182-2021** Executive Session

XVII. AGENDA WORKSHOP ITEM

1. Cultural & Heritage Committee Request for Matching Grant Funds

XVIII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

XIX. EXECUTIVE SESSION

1. Contracts - DPW Union Contract
2. Public Safety - Rescue Squad
3. Lease Negotiations - Rescue Squad
4. Potential Litigation - The Lofts, The View & Supermarket Site

XX. ADJOURNMENT

1. The next Regular Meeting will be June 29, 2021

ORDINANCE #2037-21

AMENDING CHAPTER 420 (ZONING) SO AS TO PERMIT CERTAIN CLASSES OF CANNABIS BUSINESSES IN APPROPRIATE ZONES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Borough of Middlesex and its officials have determined that non-retailer cannabis establishments could be a good use in specific zones to fit with the character of the zone scheme and purpose of the Municipal Land Use Law, and have determined that amendments to the zoning ordinance are necessary to effectuate this goal;

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 Borough's Zoning Ordinance, Chapter 420 (Zoning) of the Borough's Code, is hereby amended as follows:

SECTION I.

Section 420-56 entitled "IND Industrial District[,]" subsection (C) governing "Conditional uses" is hereby amended to read as follows (struck through portions to be removed, bolded and underlined portions to be added):

C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in § 420-59 are complied with:

(1) Commercial earth terminals.

(2) Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaling, Class 4 Cannabis Distributing, and Class 6 Cannabis Delivery as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Class 5 Cannabis Retailing remains a prohibited use in all zones pursuant to Chapter 321.

(3) Alternate Treatment Centers pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et. seq.

SECTION II.

Section 420-57 entitled "HI Heavy Industrial District[,]" subsection (C) governing "Conditional uses" is hereby amended to read as follows (struck through portions to be removed, bolded and underlined portions to be added):

C. Conditional uses. The following commercial uses may be permitted, provided that all the terms and conditions specified for the particular use in § 420-59 are complied with:

(1) Production and processing of chemicals as a principal use.

(2) Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaling, Class 4 Cannabis Distributing, and Class 6 Cannabis Delivery as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Class 5 Cannabis Retailing remains a prohibited use in all zones pursuant to Chapter 321.

(3) Alternate Treatment Centers pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et. seq.

SECTION III.

Section 420-59 entitled "Conditional uses" is hereby amended to read as follows (struck through portions to be removed, bolded and underlined portions to be added):

M. Cannabis Establishments and Alternate Treatment Centers. Establishments with a license, or seeking a license, for Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaling, Class 4 Cannabis Distributing, or Class 6 Cannabis Delivery as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and Alternate Treatment Centers as provided in the New Jersey Compassionate Use Medical Marijuana Act may be permitted in the IND Industrial District and HI Heavy Industrial District, provided that:

1. **State licensure. The establishment or ATC has been properly licensed pursuant to the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act or New Jersey Compassionate Use Medical Marijuana Act, as necessary.**
2. **Distance between establishments. No cannabis establishment shall be located within 500 feet from any other cannabis establishment, nor shall an ATC be located within 500 feet from any other ATC, which shall be measured from the subject property line to property line. In the event that more than one land use application for an establishment or ATC of the same classification is submitted to the Borough in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Permitting Authority, the Borough is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Borough shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Borough Land Use Administrator, Zoning Officer, or other person with authority to make such determination.**

3. Distance between establishments and certain uses. Establishments and ATCs shall not be located within 250 feet (measured from the subject property line to property line) of a residential zone; day care, child care center or nursery school; drug or alcohol rehabilitation center; public park or public pool; or, within 250 feet (measured from the subject property line to property line) of a public, private or special education elementary or secondary school property.
4. No marketing or advertisement of the site shall be permitted. No signage other than directional or discrete building identification shall be permitted.
5. ATC Dispensaries shall limit their hours of operation from 8:00 a.m. to 10:00 p.m., Monday to Sunday, or as otherwise provided in the special use permit. Retail distribution of cannabis is a prohibited use in all zones pursuant to Chapter 321 of the Borough code.
6. The cultivation of marijuana plants, for medicinal or recreational purposes, shall not be permitted on exterior portions of a lot. The cultivation, production, or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.
7. ATCs and Cannabis establishments must limit signage to text on external signage. However, use of graphics shall allowed solely to display the logo for the business.
8. ATCs and Cannabis business signage shall not display on the exterior of the facility or windows advertisements for cannabis or a brand name except for purposes of identifying the building by the permitted name.
9. No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis establishment or medical marijuana business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with applicable laws.
10. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids, or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for full cleanup.
11. As applicable, cannabis businesses and ATCs shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.

12. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system must be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building, or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Construction Official and the Fire Marshall.
13. Security and reporting. Security systems must be in place, along with a 24/7 recording system that records for a minimum thirty-day archive. This system must be shared with the Middlesex Borough Police Department electronically. Middlesex Borough Police Department shall be provided the name and phone number of a staff person to notify regarding suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation. Additionally:
- a. The premises must only be accessed by authorized personnel and free of loitering;
 - b. All cultivation of cannabis shall take place in an enclosed, locked facility; and
 - c. Security personnel must be present during times of operation.

SECTION IV.

Upon introduction of this Ordinance, a true copy of same shall be sent by the Borough Clerk to all property owners listed in the tax duplicates in the affected zones and within a 200 foot radius of each zone; the clerks of the municipalities of Dunnellen, Bound Brook, and Piscataway; the County Planning Board; and sent to the Borough Joint Land Use Board for a consistency review pursuant to N.J.S.A. 40:55D-26.

SECTION V.

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

SECTION VI.

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

SECTION VII.

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on June 15, 2021.

INTRODUCED: June 15, 2021

DATE OF PUBLICATION:
OF INTRODUCTION June 18, 2021

ORDINANCE #2035-21

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 309 PEDDLING AND SOLICITING, SECTION 309-6 APPLICATION FOR LICENSES

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

Section 309-6 shall be amended to read as follows (strikethrough text is to be deleted, bold and underlined text is to be added):

Any person desiring a license to carry out any regulated activity in the Borough shall file, not more than three months prior to the time such activity shall commence, nor fewer than 10 days prior thereto, together with the fee and bond provided by § 309-11 of this chapter, ~~which fee shall be returned if the license is rejected,~~

The application fee shall be nonrefundable, unless the application is rejected by the Borough then the fee shall be returned to the applicant. An application **shall** consist~~ing~~ of the following:

- A. A statement, on a form to be supplied by the Borough Clerk, setting forth:
- .The applicant's name and social security number.
 - .The applicant's permanent home address.
 - .If employed, The name and address of the applicant's employer.
 - .The applicant's place(s) of residence for the preceding three years.
 - .The dates on which the applicant wishes to commence and complete the regulated activity.
 - .Whether the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning canvassing or solicitation and, if so, the date, place and nature of the offense and the penalty imposed.
 - .Names or other communities in which the applicant has worked as a canvasser or solicitor in the past two years.
 - .Make, model, description and license number of any automobile that the applicant will use in connection with the regulated activity.
 - .The use and disposition of any funds to be solicited.
 - .A description of the methods to be used in conducting solicitations of funds.
 - .Proof, if applicable, that the organization on behalf of which the regulated activity will be conducted is a nonprofit corporation and/ or exempt from federal income taxation.
 - .A brief statement of the nature of the activity, any associates businesses or organizations, and if applicable, a description of the merchandise or service to be

sold.

.Three copies of a photograph of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches.

.The fingerprints and a background check of the applicant, to be completed and approved by the Borough of Middlesex Police Department.

B. A letter or other written statement from the individual, firm or corporation employing the applicant, certifying that the applicant is authorized to act as the employer's representative in carrying out the regulated activity.

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 June 15, 2021.

INTRODUCED: May 25, 2021

DATE OF PUBLICATION:
OF INTRODUCTION May 28, 2021

ORDINANCE #2036-21

AN ORDINANCE AMENDING CHAPTER 355-10 (MAINTENANCE AND REPAIR - STORMWATER CONTROL REGULATIONS) TO CONFORM TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS

WHEREAS, pursuant to regulations adopted by the New Jersey Department of Environmental Protection and found at N.J.A.C. 7:8, municipalities are required to amend their Stormwater Control Regulations to conform with state regulations; and

WHEREAS, the Borough Council of the Borough of Middlesex has adopted a Stormwater Control Ordinance conforming with N.J.A.C. 7:8; and

WHEREAS, the County of Middlesex has requested a minor amendment to Chapter 355-10 of the recently adopted Stormwater Control Ordinance.

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 Chapter 355-10 of the Borough Code be amended as follows (additions are indicated **thusly**):

Section 1

Chapter 335-10 is hereby amended as follows:

Chapter 355-10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Chapter 355-1.C of this ordinance shall comply with the requirements of Chapter 355-10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Chapter 355-10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Chapter 355-10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Chapter 355-10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Chapter 355-10.B.6 and B.7 above;
 - iv. **post a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53**
8. The requirements of Chapter 355-10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

Section II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section III. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any 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 June 15, 2021.

INTRODUCED: May 25, 2021

DATE OF PUBLICATION:
OF INTRODUCTION May 28, 2021

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

Resolution #159-2021

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE
MIDDLESEX BOROUGH PUBLIC WORKS EMPLOYEES CONTRACT EFFECTIVE
JANUARY 1, 2021 - DECEMBER 31, 2024**

The Mayor and Borough Clerk are hereby authorized to execute the Contract between the Middlesex Borough Public Works Employees Contract (Local 255, United Service Workers Union, IUJAT) and the Borough of Middlesex effective January 1, 2021 - December 31, 2024.

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 June 15, 2021.

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

Resolution #166-2021

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the May, 2021 Tax Totals
-

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 June 15, 2021.

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

Resolution #167-2021

RENEWAL OF LIQUOR LICENSES FOR 2021-2022

The application for renewal of Liquor Licenses for the year 2021-2022 which have been approved by the Police Department be accepted; and the Borough Clerk is hereby authorized to issue the following licenses in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

Shri Radha Krishna Inc. t/a Endzone Lounge 425 Bound Brook Road	1211-33-001-005
Rikjo Liquors, Inc. t/a Middlesex Liquor Store 1323 Bound Brook Road	1211-44-005-003
OK Liquors, t/a Cub Liquors, Inc. 242 Lincoln Boulevard	1211-32-011-004
Pearldhyan, Inc. 657 Lincoln Boulevard	1211-44-006-003
Ellery's Grill, Inc. 701 Lincoln Boulevard	1211-32-004-002
Faron Realty Management, LLC t/a Ferraro's Pizza & Pub 275 Lincoln Boulevard	1211-33-002-010
Carpaccio Ristorante Inc. 651 Bound Brook Road	1211-33-010-004
Cahoots, Inc. 624 Lincoln Boulevard	1211-33-003-003
John W. Lupu Memorial Post 306 The American Legion 707 Legion Place	1211-31-013-001
Timothy Kerwin's Inc. 353 Bound Brook Road	1211-33-009-003
Vilaverdense t/a Vincenzo's Restaurant 665 Bound Brook Road	1211-33-012-004
Middlesex Lodge 2301 BPO Elks 545 Bound Brook Road	1211-31-014-001

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 June 15, 2021.

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

Resolution #168-2021

**REIMBURSEMENT OF DOG LICENSE FEE IN THE AMOUNT OF \$10.00 TO
JOSHUA FITZSIMMONS, 2 PRIMROSE LANE, #1R, FORDS NJ**

The Governing Body hereby approves the reimbursement fee for a Dog License to Mr. Joshua Fitzsimmons, 2 Primrose Lane, #1R, Fords, New Jersey in the amount of \$10.00.

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 June 15, 2021.

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

Resolution #169-2021

AUTHORIZING THE MAYOR TO EXECUTE AN ESTOPPEL CERTIFICATE BY, AND BETWEEN, THE BOROUGH OF MIDDLESEX AND MIDDLESEX RESIDENTIAL URBAN RENEWAL, LLC, FOR PROPERTY DESIGNATED AS BLOCK 349, LOTS 6.02, 8, 10.01, 10.02 AND 10.03 ON THE OFFICIAL TAX MAPS OF THE BOROUGH

WHEREAS, Middlesex Residential Urban Renewal, LLC (the “Redeveloper”) is the designated redeveloper of properties identified as Block 349, Lots 6.02, 8, 10.01, 10.02 and 10.03 on the Official Tax Maps of the Borough of Middlesex (the “Property”); and

WHEREAS, the Redeveloper is in the process of redeveloping the Property by constructing an apartment complex on the Property, consisting of approximately 200 residential units and first floor retail (the “Project”), in accordance with the Redevelopment Agreement by, and between the Borough of Middlesex and the Redeveloper dated December 13, 2017, as amended (the “Redevelopment Agreement”); and

WHEREAS, pursuant to Section 11.4 of the Redevelopment Agreement entitled “Estoppel Certificate”, following written request therefor, the Borough shall issue a signed estoppel certificate either stating that the Redevelopment Agreement is in full force and effect and that there is no default or breach under said Redevelopment Agreement (nor any event which, with the passage of time and the giving notice would result in a default or breach under the Redevelopment Agreement), or stating the nature of the default or breach or event, if any; and

WHEREAS, the Redeveloper has requested, in writing, that the Mayor execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, in connection with financing for the Project to be procured by the Redeveloper as borrower from a certain lender named therein; and

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

1. The Mayor is hereby authorized to execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Estoppel Certificate to the Borough and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to counsel for the Redeveloper. The Borough Clerk shall retain at least one (1) fully executed copy of the Estoppel Certificate on file in her office.

3. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

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 June 15, 2021.

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

Resolution #170-2021

AUTHORIZING THE TAX COLLECTOR TO ADJUST 1ST AND 2ND QUARTER, 2021 BILLED TAXES AS PROPERTY OWNER AT BLOCK 71.02 LOT 2 WAS DECLARED 100% EXEMPT ON 10/28/2020

WHEREAS, the status of the owner(s) of Block 71.02 Lot 2 was changed to 100% EXEMPT status by Resolution # 271-2020, application date of 10/28/2020 and;

WHEREAS, billed taxes remain on the property as billing was done prior to EXEMPT status, and;

THEREFORE, the Tax Collector is authorized to adjust off the balance of taxes for 1st Qtr. 2021 in the amount of \$5.30 and taxes for the 2nd Qtr 2021 in the amount of \$2346.08.

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 June 15, 2021.

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

Resolution #171-2021

AUTHORIZING THE TAX COLLECTOR TO ADJUST PROPERTY TAXES FOR BLOCK 295, LOT 8 AND BLOCK 312, LOT 14.01 DUE TO DUPLICATE BILLING ON THESE PROPERTIES

WHEREAS, upon receiving state approval to condo the following properties; Block 295 Lot 8 , 422 Voorhees & Block 312 Lot 14.01, 631 Voorhees the typical process is to create numerical Qualifiers of C001 & C002, and;

WHEREAS, in addition to both of the numerical qualifiers an alphabetical Qualifier of COO2 was also created which created billing in the tax system, and;

WHEREAS, the incorrect alphabetical Qualifier exists in the tax system with billing, and;

THEREFORE, the Tax Collector is authorized to adjust off the following taxes on the following properties,

Block 295 Lot 8 Q COO2

3rd Qtr 2019 - \$733.36

4th Qtr 2019 - \$733.36

1st Qtr 2020 - \$366.68

2nd Qtr 2020 - \$366.68

Block 312 Lot 14.01 Q COO2

4th Qtr 2020 - \$2,826.60

1st Qtr 2021 - \$706.65

2nd Qtr 2021 - \$706.65

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 June 15, 2021.

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

Resolution #172-2021

APPROVING THE PROPOSAL FROM COLLIERS ENGINEERING & DESIGN FOR THE 2018 NJDOT ROUTE 28 STREETScape PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE CLIENT CONTRACT

WHEREAS, Colliers Engineering & Design has provided a Proposal for the Application and Permit fees for the Highway and Occupancy Permits, which are not included in the Professional Engineering Services Fees for the 2018 NJDOT Grant for the Route 28 Streetscape Project; and

WHEREAS, the anticipated Highway Occupancy Application and Permit Fees, along with the NJDOT Jurisdictional Maintenance Agreement and Plans for this project is in an amount not to exceed \$7,900.00.

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 hereby approve the proposal from Colliers Engineering & Design for the Application and Permit fees for the Highway and Occupancy Permits in an amount not to exceed \$7,900.00.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Acting CFO certifies funds in the amount of \$7,900.00 are available in Account No. C-04-19-962-000-050.

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 June 15, 2021.

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

Resolution #173-2021

AUTHORIZING THE TREASURER TO PAY THE FULL ALLOWANCE OF \$4,183.97 TO SGT. STEPHEN JOHNSON IN ACCORDANCE WITH THE PBA CONTRACT

The Mayor and Council having accepted Sgt Stephen Johnsons’s retirement at the March 9th council meeting, with Sgt Johnson’s retirement effective July 1, 2021, hereby authorize the Treasurer to pay the full allowance of \$4,183.97 in accordance with the PBA Union Contract in the regular Borough payroll of July 2, 2021. The benefits include the following:

72.5 Hours Compensatory Time	\$ 4,183.97
TOTAL	\$ 4,183.97

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 June 15, 2021.

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

Resolution #174-2021

AUTHORIZING REIMBURSEMENT OF MEDICARE PREMIUMS FOR CERTAIN ELIGIBLE PENSIONERS UNDER CHAPTER III, PUBLIC LAW 1973, NJ HEALTH BENEFITS PLAN

WHEREAS, Chapter III of Public Laws 1973, which provided for reimbursement of Medicare premiums of certain eligible pensioners was adopted by the Mayor and Council by resolution on April 9, 1974; and

WHEREAS, certain retired employees of the Borough have applied for reimbursement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw checks, charged against Insurance (1) Group Insurance for Employees from the period January through June 2021, as follows:

Anello, John 108 Howard Ave Middlesex, NJ 08846	\$1,247.40	James L Benson 445 Harris Ave Middlesex, NJ 08846	\$699.00
Patricia A Benson 445 Harris Ave Middlesex, NJ 08846	\$891.00	Archie J Blood Jr 54 Lincoln Ave Barnegat, NJ 08005	\$578.40
Margie L Blood 54 Lincoln Ave Barnegat, NJ 08005	\$629.40	Cynthia Chomen 10 Oswego Ave Middlesex, NJ 08846	\$891.00
Anthony Cole 246 Oak Dr Middlesex, NJ 08846	\$867.60	Susan Cole 246 Oak Dr Middlesex, NJ 08846	\$867.60
Dorothy Coren 20 Mead Ave Middlesex, NJ 08846	\$663.00	Joseph Coren 20 Mead Ave Middlesex, NJ 08846	\$1,069.80
DeVuyst, Debra 272 Johnnycakes Dr Naples, FL 34110-1312	\$867.60	Michele Lella Echols 195 Shafer Ave Phillipsburg, NJ 08865-2414	\$891.00
John Fuhrmann 38 Whitney Dr	\$813.00	Sheila Fuhrmann 38 Whitney Dr	\$813.00

Middlesex, NJ 08846

John Giuliano \$578.40
 339 Second St
 Middlesex, NJ 08846

Charlie Nash \$783.00
 13 Homestead Terrace
 Scotch Plains, NJ 07076

Arthur Roberts \$578.40
 305 Harris Ave
 Middlesex, NJ 08846

Jerry Schaefer \$629.40
 58 Joe-Ent Rd
 Flemington, NJ 08822

Charles Sebastian \$768.00
 512 Clinton Ave
 Middlesex, NJ 08846

Rita Wahler \$599.40
 16 Fitzsimmons Ave
 Middlesex, NJ 08846

Middlesex, NJ 08846

John A Haverstick \$867.60
 771 County Rt 16
 Mexico, NY 13114-3193

Jerome Nowak \$578.40
 6544 North Kennedy Ave
 Fresno, CA 93720

Erica Schaefer \$629.40
 58 Joe-Ent Rd
 Flemington, NJ 08822

Maureen Schaefer \$813.00
 58 Joe-Ent Rd
 Flemington, NJ 08822

James Tolomeo \$629.40
 45 Myrtle Ct
 Whitehouse Station, NJ 08889

Roger Wahler \$629.40
 16 Fitzsimmons Ave
 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 June 15, 2021.

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

Resolution #175-2021

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE LITTER PICK UP PROGRAM AGREEMENT BETWEEN MIDDLESEX BOROUGH AND THE COUNTY OF MIDDLESEX

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Litter Pick Up Program Agreement between the County of Middlesex and the Borough of Middlesex effective May 1, 2021 - December 31, 2023.

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 June 15, 2021.

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

Resolution #176-2021

**AUTHORIZING THE MAYOR TO EXECUTE THE U.S. DEPARTMENT OF THE
TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS AND
AGREE TO THE TERMS AND CONDITIONS**

The Governing Body hereby authorizes the Mayor to execute the Terms and Conditions for the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund to enable the Borough to receive payments from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

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 June 15, 2021.

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

Resolution #177-2021

**AUTHORIZING THE MAYOR TO EXECUTE THE CERTIFICATE OF COMPLETION
FOR 150 LINCOLN BOULEVARD URBAN RENEWAL, LLC**

Authorizing the Mayor to execute the Certificate of Completion pursuant to the Redevelopment Agreement by and between the Borough of Middlesex and 150 Lincoln Boulevard, LLC dated December 18, 2012 as amended certifying that the project improvements have been completed in accordance with the governmental approvals and the Redevelopment Agreement.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on June 15, 2021.

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

Resolution #178-2021

THE GOVERNING BODY APPROVES PAYMENT OF \$26,000 TO STILO EXCAVATION, INC. TO COMPLETE THE 2019 DOT ROAD PROGRAM PROJECT TO INCLUDE THE SECTIONS OF FISHER AVENUE IN FRONT OF THE SCHOOLS

WHEREAS, the Contract for the 2019 Department of Transportation Road Program was awarded to Stilo Excavation, Inc. on March 23, 2021 in the amount of \$459,666.51; and

WHEREAS, the 2019 Department of Transportation Road Program Grant awarded to the Borough is in the amount of \$557,200; and

WHEREAS, funds in the amount of \$53,500 were paid to Owen & Little to design this project; and

WHEREAS, fund in the amount of \$84,000 were awarded to Colliers Engineering & Design for design services; and

WHEREAS, in order to complete Fisher Avenue, which would include the sections in front of the schools, there is an additional cost of approximately \$26,000 over and above the contract awarded amount.

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 approves an additional payment of \$26,000 to Stilo Excavation, Inc., South Plainfield, NJ for the additional cost to complete Fisher Avenue.
2. This resolution shall take effect immediately.

NOW, FURTHER BE IT RESOLVED that the Acting CFO certifies that funds in the amount of \$22,500 are available in Account No. C-04-19-961-000-050 and funds in the amount of \$3,500 are available in Account No. C-04-19-979-000-093.

Caroline Benson, Acting CFO

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 June 15, 2021.

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

Resolution #179-2021

TERMINATION OF DYLAN BAUMAN FROM THE DPW EFFECTIVE JUNE 9, 2021

The Governing Body hereby approves the termination of Dylan Bauman from the DPW effective June 9, 2021.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on June 15, 2021.

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

Resolution #180-2021

HIRING MICHAEL PEERY AS A PART TIME LABORER IN THE DEPARTMENT OF PUBLIC WORKS

The governing body hereby hires Michael Peery, Middlesex, NJ as a part time DPW Laborer effective June 21, 2021 at \$14.00 per hour, 28 hours per week, pending a satisfactory physical and background check.

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 June 15, 2021.

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

Resolution #181-2021

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on June 15, 2021.

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

Resolution #182-2021

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. Contracts - DPW Union Contract
2. Public Safety - Rescue Squad
3. Lease Negotiations - Rescue Squad
4. Potential Litigation - The Lofts, The View & Supermarket Site

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 June 15, 2021.