



Borough of Middlesex
Mayor and Council Regular Meeting
~ Agenda ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, September 12, 2023

7:00 PM

Municipal Building

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

Attendee Name	Present	Absent	Late	Arrived
Mayor John Madden	☐	☐	☐	
Council President Michael Conahan	☐	☐	☐	
Councilman Jeremiah Carnes	☐	☐	☐	
Councilman Robert Dessino	☐	☐	☐	
Councilman Jack Mikolajczyk	☐	☐	☐	
Councilman Martin Quinn	☐	☐	☐	
Councilman Douglas Rex	☐	☐	☐	
Administrator Michael LaPlace	☐	☐	☐	
Borough Attorney Christopher Corsini	☐	☐	☐	

IV. PRESENTATIONS

V. APPOINTMENTS

- 1. Accepting the Resignation of Robert Bender from the Recreation Committee
- 2. Appointment of Nicole Aravjo as a Member of the Recreation Committee

VI. PROCLAMATIONS

- 1. CHARCOT-MARIE-TOOTH AWARENESS MONTH - SEPTEMBER, 2023

VII. ORDINANCE(S) FOR INTRODUCTION

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

- 1. **Ordinance 2099-23** AN ORDINANCE REPEALING CHAPTER 12 (POLITICAL CONTRIBUTIONS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO COMPLY WITH THE MANDATE OF THE NEW JERSEY STATE LEGISLATURE REPEALING ALL LOCAL PAY-TO-PLAY ORDINANCES THROUGHOUT THE STATE

IX. ADOPTION OF MINUTES

1. Approval of the August 22, 2023 Regular & Executive Meeting Minutes

X. MAYOR'S REPORT

XI. COUNCIL MEMBER REPORTS

1. Council President Conahan
2. Councilman Carnes
3. Councilman Dessino
4. Councilman Mikolajczyk
5. Councilman Quinn
6. Councilman Rex

XII. ADMINISTRATOR'S REPORT

XIII. PRIVILEGE OF THE FLOOR

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

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

1. **Resolution 268-2023** Acceptance of Standing Reports
2. **Resolution 269-2023** Approval of the Transfer of the 2001 Blue Bird S4 Van GO II Bus From the Recreation Department to the Office of Emergency Management
3. **Resolution 270-2023** Authorizing the Tax Collector to Cancel the Balance of 3rd & 4th Qtr. 2023, and 1st & 2nd Qtr. 2024 Taxes for Block 208 Lot 12
4. **Resolution 271-2023** Delegating the Authority to Award "Window Contracts" to the QPA
5. **Resolution 272-2023** Authorizing the Tax Collector to Waive or Adjust Sewer Bills on Various Properties
6. **Resolution 273-2023** Authorizing the Tax Collector to Issue Tax Title Lien Redemption's on Block 242, Lot 9

7. **Resolution 274-2023** Accepting the Resignation of School Crossing Guard Kenneth Larson effective August 31, 2023
8. **Resolution 275-2023** Authorizing the Tax Collector to Issue Tax Title Lien Redemption's on Block 264, Lot 9
9. **Resolution 276-2023** Hiring Anthony Mendel as School Crossing Guard Effective Immediately
10. **Resolution 277-2023** Determining the Form and Other Details of not Exceeding \$1,558,405 General Obligation Bonds, Series 2023, of the Borough of Middlesex, in the County of Middlesex, New Jersey, and Providing for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey, Pursuant to the State Fiscal Year 2024 New Jersey Water Bank
11. **Resolution 278-2023** Authorizing the Execution and Delivery of Loan Agreements to be Executed by the Borough of Middlesex, in the County of Middlesex, New Jersey, and Each of the New Jersey Infrastructure Bank, and the State of New Jersey, Acting by and Through the Department of Environmental Protection, and Further Authorizing the Execution and Delivery of an Escrow Agreement, all Pursuant to the State Fiscal Year 2024 New Jersey Water Bank

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

1. **Resolution 279-2023** Pay All Claims

XVI. AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion
2. Wellington Street - Parking Restrictions

XVII. PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

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

XVIII. EXECUTIVE SESSION

1. **Resolution 280-2023** Executive Session
Potential Litigation - Lake Creighton

Real Estate - Daisy Park

Personnel - Council/Staff

XIX. ADJOURNMENT

1. The next Regular Meeting will be September 26, 2023

PROCLAMATION

CHARCOT-MARIE-TOOTH AWARENESS MONTH - SEPTEMBER, 2023

WHEREAS, it is the intention of the Mayor and Council of Middlesex Borough to focus attention on noteworthy causes and occasions; and

WHEREAS, Charcot-Marie-Tooth disease (CMT) is a common inherited neurological disorder that affects approximately 1 in 2,500 people in the United States and 2.8 million worldwide; and

WHEREAS, CMT is characterized by a slow and progressive deterioration of motor and sensory nerves across various parts of the body that can lead to weakness of the foot and lower leg muscles, foot deformities, frequent tripping and falls and muscle weakness in the hands; and

WHEREAS, there are more than 70 kinds of CMT that affect individuals from all walks of life, and in all areas of the world; and

WHEREAS, there is no cure for CMT, and while physical therapy, bracing and surgical procedures can help stabilize and correct certain CMT symptoms, continued awareness and research of the disease are needed.

NOW, THEREFORE BE IT RESOLVED, I, John L. Madden, by virtue of the authority vested in me as Mayor of the Borough of Middlesex, County of Middlesex, State of New Jersey, do hereby join with the Charcot-Marie-Tooth Association and municipalities across the United States in proclaiming the month of September 2023 to be

CHARCOT-MARIE-TOOTH AWARENESS MONTH

NOW FURTHER BE IT RESOLVED that the Borough of Middlesex urges all citizens to join with me and Council in spreading awareness of Charcot-Marie-Tooth Disease, and in voicing our support for the Charcot-Marie-Tooth Disease Association.

DATED: September 12, 2023

Linda Chismar, RMC

Mayor John L. Madden

ORDINANCE #2099-23

AN ORDINANCE REPEALING CHAPTER 12 (POLITICAL CONTRIBUTIONS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO COMPLY WITH THE MANDATE OF THE NEW JERSEY STATE LEGISLATURE REPEALING ALL LOCAL PAY-TO-PLAY ORDINANCES THROUGHOUT THE STATE

WHEREAS, Chapter 12 of the Municipal Code of the Borough of Middlesex regulations political contributions; and

WHEREAS, on April 3, 2023, the New Jersey Governor Phil Murphy signed the Elections Transparency Act, P.L. 2023, c. 30, which makes significant changes to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:43A-1, et seq. (“the Act”); and

WHEREAS, the Act sunsets all county, municipal, independent authority, board of education, or fire district ordinances, resolutions or regulations limiting the awarding of public contracts to entities which have made a campaign contribution and creates one uniform authority for such contributions; and

WHEREAS, the repeal of the Borough’s local ordinance concerning political contributions is a state mandate and is non-discretionary; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 12 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey entitled “Political Contributions” is hereby repealed in its entirety.

Section I

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

Section II

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

Section III

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

I Hereby Certify that the above Ordinance was introduced by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

INTRODUCED: 08/22/2023

DATE OF PUBLICATION:
OF INTRODUCTION August 25, 2023

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

Resolution #268-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Acceptance of the July, 2023 Police Report.
2. Acceptance of the June & July 2023 Tax Reports.
3. Acceptance of John Hackney as a member of Parker Fire House.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #269-2023

**APPROVAL OF THE TRANSFER OF THE 2001 BLUE BIRD S4 VAN GO II BUS
FROM THE RECREATION DEPARTMENT TO THE OFFICE OF EMERGENCY
MANAGEMENT**

The Governing Body hereby approves the transfer of the 2001 Blue Bird S4 Van GO II Bus Vin # 1GBCPH61F099423 from the Recreation Department to the Office of Emergency Management effective immediately.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #270-2023

AUTHORIZING THE TAX COLLECTOR TO CANCEL THE BALANCE OF 3RD & 4TH QTR. 2023, AND 1ST & 2ND QTR. 2024 TAXES FOR BLOCK 208 LOT 12

WHEREAS, per N.J.S.A. 54:4-3-30 the homeowner of Block 208 Lot 12, 519 Hancock Street, has been declared a 100% Disabled Veteran by the Department of Veterans Affairs; and,

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

WHEREAS, the Tax Assessor has approved the application with a date of 4/10/2023; and,

NOW, THEREFORE, the Tax Collector is hereby authorized to cancel the balance of 3rd & 4th Qtr. 2023, and 1st & 2nd Qtr. 2024 in the amounts below;

3rd Qtr. 2023 - \$2,901.42

4th Qtr. 2023 - \$2,901.42

1st Qtr. 2024 - \$2,737.78

2nd Qtr. 2024 - \$2,737.78

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #271-2023

DELEGATING THE AUTHORITY TO AWARD “WINDOW CONTRACTS” TO THE QPA

WHEREAS, NJSA 40A:11-3 provides that the governing body may designate the Qualified Purchasing Agent to award contracts up to a certain threshold without public advertising for bids; and

WHEREAS, pursuant to NJSA 40A:11-3C effective July 1, 2020, the State Treasurer has established the bid threshold for local contracting units with a Qualified Purchasing Agent (“QPA”) at \$44,000 and the quotation threshold at \$6,600, as stated in Local Finance Notice 2020-14; and

WHEREAS, NJSA 19:44a-1 et seq. also known as the Elections Transparency Act (the “Act”) made certain significant changes to New Jersey’s pay-to-play laws; and

WHEREAS, among the changes to the Act, the Qualified Purchasing Agent of a municipality may now be delegated the authority to award contracts having an anticipated value in excess of \$17,500 but below the \$44,000 bid threshold (commonly known as “Window Contracts”); and

WHEREAS, for purposes of advancing efficiency in the award of contracts, the Borough Council desires to delegate to Carmen Modica, in her capacity as the Borough’s QPA, the authority to award contracts having an anticipated value in excess of \$17,500 but below the \$44,000 bid threshold detailed in Section 3 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Carmen Modica, in her capacity as the Borough’s QPA, is hereby granted the authority to award contracts having an anticipated value in excess of \$17,500 but below the \$44,000 bid threshold detailed in Section 3 of the Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #272-2023

AUTHORIZING THE TAX COLLECTOR TO WAIVE OR ADJUST SEWER BILLS ON VARIOUS PROPERTIES

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

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

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

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

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

Block/Lot:	86.04 / 9
Original Amount:	\$601.09
New Amount:	\$0.00
Refund:	\$601.09

Block/Lot:	179 / 1
Original Amount:	\$933.85
New Amount:	\$0.00
Refund:	\$933.85

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #273-2023

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S
ON BLOCK 242, LOT 9**

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for September 12, 2023, and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale: 12/10/2019

Block/Lot: 242 / 9

Amount: \$92,414.25

Premium: \$41,000

Certificate: 18-00012

Payable To: BB 316 Investments LLC
PO Box 953
Lakewood, NJ 08701

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #274-2023

ACCEPTING THE RESIGNATION OF SCHOOL CROSSING GUARD KENNETH LARSON EFFECTIVE AUGUST 31, 2023

The Governing Body hereby accepts the resignation of school crossing guard Kenneth Larson effective August 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 September 12, 2023.

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

Resolution #275-2023

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S
ON BLOCK 264, LOT 9**

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for September 12, 2023, and;

NOW, THEREFORE, BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale: 11/30/2022

Block/Lot: 264 / 9

Amount: \$593.16

Premium: \$1,900.00

Certificate: 21-00010

Payable To: Pro Cap 8 FBO Firsttrust Bank
P.O. Box 774
Fort Washington, PA 19034-0774

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #276-2023

**HIRING ANTHONY MENDEL AS SCHOOL CROSSING GUARD EFFECTIVE
IMMEDIATELY**

At the recommendation of Chief Geist, the Governing Body hereby approves hiring Anthony Mendel as a School Crossing Guard at \$14.75 per hour effective immediately. Mr. Mendel has completed his Police Department background investigation.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #277-2023

DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,558,405 GENERAL OBLIGATION BONDS, SERIES 2023, OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, PURSUANT TO THE STATE FISCAL YEAR 2024 NEW JERSEY WATER BANK

WHEREAS, the Borough of Middlesex (the "Local Unit"), in the County of Middlesex, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2024 New Jersey Water Bank (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2023A, to the I-Bank (the "I-Bank Loan Bond") and General Obligation Bonds, Series 2023B, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,558,405, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,558,405, all in accordance with the provisions hereof. The Local Unit Bonds have been

referred to and are described in bond ordinance #1907-17 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE PROVIDING FOR A SANITARY SEWER REHABILITATION PROJECT FOR THE BOROUGH OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$2,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,327,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION" and was finally adopted by the Local Unit at a meeting duly called and held on February 28, 2017, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law, and bond ordinance #2040-21 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1907-17 ADOPTED ON FEBRUARY 28, 2017, PROVIDING FOR A SANITARY SEWER REHABILITATION PROJECT FOR THE BOROUGH OF MIDDLESEX, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE PHASE II OF SAID PROJECT, AND TO INCREASE THE APPROPRIATION THEREFOR BY \$500,000 FOR A TOTAL APPROPRIATION OF \$2,950,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$500,000 FOR A TOTAL DEBT AUTHORIZATION OF \$2,827,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" and was finally adopted by the Local Unit at a meeting duly called and held on September 14, 2021, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed forty (40) years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered 2023A-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered 2023B-1;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Dilworth Paxson LLP is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Meghan Ann Bennett, Esq., Dilworth Paxson LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #278-2023

AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK, AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2024 NEW JERSEY WATER BANK

WHEREAS, the Borough of Middlesex (the "Local Unit"), in the County of Middlesex, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2024 New Jersey Water Bank (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2023A, to the I-Bank (the "I-Bank Loan Bond") and General Obligation Bonds, Series 2023B, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds") in an aggregate principal amount not to exceed \$1,558,405 pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Meghan Ann Bennett, Esq., Dilworth Paxson LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #279-2023

PAY ALL CLAIMS

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

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.

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

Resolution #280-2023

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 including Potential Litigation - Lake Creighton, Real Estate - Daisy Park and Personnel - Council/Staff; and

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

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

I Hereby Certify that the above resolution was duly adopted by the Governing Body of the Borough of Middlesex, at a meeting of said Borough Council on September 12, 2023.