



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

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

Tuesday, September 12, 2023

7:00 PM

Municipal Building

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.

SALUTE TO FLAG

ROLL CALL

Mayor John Madden
Council President Michael Conahan
Councilman Jeremiah Carnes
Councilman Robert Dessino
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

2. Mayor Madden added Real Estate - Fire Headquarters to Executive Session

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

PRESENTATIONS

APPOINTMENTS

1. Accepting the Resignation of Robert Bender from the Recreation Committee

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

2. Appointment of Nicole Aravjo as a Member of the Recreation Committee

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

PROCLAMATIONS

1. 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.

Councilman Rex read the Proclamation for Charcot-Marie-Tooth Awareness Month.

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2099-23 by title:

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.

Mayor Madden opened the Public Hearing on Ordinance No. 2099-23. Seeing that there was no public participation, Mayor Madden closed the Public Hearing on Ordinance No. 2099-23.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Mikolajczyk, Quinn, Rex
ABSENT:	Carnes

ADOPTION OF MINUTES

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

RESULT:	APPROVED [4 TO 0]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Dessino, Quinn, Rex
ABSTAIN:	Mikolajczyk
ABSENT:	Carnes

MAYOR'S REPORT

Councilman Carnes joined the Meeting at this point.

Mayor Madden made the following comments:

Regarding the alligator, for two weeks the search went on for the elusive reptile, utilizing all the resources available to Chief Matthew Geist and the Middlesex Borough Police Department. Lenny Vidal, Supervisor of the Department of Public Works worked very closely with the Police to put together an urgent plan in the spirit of public safety. The decision was made to close the entire park until this 4-foot alligator was found, captured and relocated. Many of the resources used included drones for observation, animal control officers in the water, utilizing kayaks, waiters and video surveillance equipment and constant police monitoring.

Organizations participated including Lenny Vidal, Supervisor of the Department of Public Works, Department of Environmental Protection, Division of Fish and Wildlife Conservation Police, Middlesex County Prosecutors Office, Middlesex Borough Office of Emergency Management, Middlesex Borough Fire Department, Somerset Regional Animal Control, and West Pests. My apologies if I have left somebody out. Much of this information was extracted from the recent Police Department Press Release.

The sheer number of these resources utilized should give us pause regarding the intentions of the release of an exotic pet by an irresponsible individual, in my opinion. Such a reckless act may have caused serious injury to a pet, child, or adult. In addition, because of this event alone, the enormous amount of planning an expense was very significant and unnecessary.

On Thursday night, September 7, 2023 at 10:10pm Piscataway Police reported to a call by a resident in the area of Second Avenue in Piscataway, where the alligator was spotted in the roadway. The reptile was captured and quickly relocated to the Cape May County Zoo. Although the Lake Creighton and Victor Crowell Park are now opened, fishing and swimming are still off limits. Please observe the posted signs for your safety. This is a great example of the efficiently coordinated efforts by many to obtain a positive solution.

COUNCIL MEMBER REPORTS

Council President Conahan**Council President Conahan made the following comments:**

- Thank you Attorney's Corsini and Flynn for finalizing the Title search for Lincoln Park.
 - Congratulations to Barbara Benson for her promotion to Captain of the OEM.
 - Bystander CPR training will be held at the home football games.
 - The next JLUB meeting will be held 9/26.
 - The Food Truck Festival will be on September 30th from 11am -7pm.
 - School started last week, which has increased traffic within town.
 - The Fire Department received a \$178,000 grant.
 - Congratulations to our new Firefighter.
 - Thank you OEM, Fire and DPW.
 - Thank you to everyone involved in making sure the 9/11 Ceremony went smoothly.
-

Councilman Carnes

Councilman Carnes made the following comments:

- The Cultural and Heritage Committee meeting will be Thursday.
 - Parks Improvement Committee is doing well.
 - The Board of Education is excited to work on School Involvement.
-

Councilman Dessino

Councilman Dessino made the following comments:

- The Swim Pool Commission will meet September 20th.
 - Thank you Lenny Vidal and the DPW for all your efforts in the capture of the alligator.
 - DPW has been working diligently on clean up from the storm damage.
 - Once a week garbage has officially started.
-

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

DPW did a lot of work on clean up.

Highlights of the July Police Report: 1700 calls to service, 2 adult arrests, 7 DWI, 219 Radar Summons, 61 Motor Vehicle Crashes, 14 Reportable Crimes, 2 Cleared.

Councilman Quinn

Councilman Quinn made the following comments:

The next Board of Health meeting will be Thursday at 7pm. Mr. Jones and the County will be in attendance.

Councilman Rex

Councilman Rex made the following comments:

The Shade Tree Commission will be meeting this Thursday.

ADMINISTRATOR'S REPORT

1. As you all must be aware, Middlesex Borough has been very busy over the past three weeks dealing with a public safety issue, the release of an alligator into the Ambrose Brook and its possible presence in Lake Creighton. Victor Crowell Park was closed for a time during the search and the brook was thoroughly checked and monitored. Luckily the alligator was eventually captured and no one was hurt. I want to thank the Mayor and Council for their leadership during this event and I would like to highlight the very hard work of the Middlesex Police Department and the Middlesex Department of Public Works. Chief Matthew Geist and his team as well as Public Works Superintendent Lenny Vidal and his staff worked together seamlessly and effectively, along with the assistance of other partners such as the Fire Department, Office of Emergency Management as well as Middlesex County and state wildlife professionals. It was an impressive team effort to protect public safety.
2. There will be an Agenda Workshop session this evening to continue the focus by the Borough on the area of Heather Lane and the residential properties that have experienced dramatic erosion. Borough officials and staff have been in communication with state and federal governmental offices including the Army Corp. of Engineers, state legislative personnel and the Green Brook Flood Control Commission.
3. There has been an impressive amount of street paving work in Middlesex this year, involving 15 streets being milled and paved, along with sidewalk repairs, new corner ramps and other improvements. Many of these projects have been completed.
4. Council resolutions on the agenda this evening include various financial transactions, the resignation and the hiring of school crossing guards, the sale of General Obligation Bonds and environmental loan agreements with state offices and agencies.
5. Please mark your calendars - the opening of the new Superfresh Supermarket on Lincoln Boulevard is scheduled for October 13 and there will be a ribbon-cutting at 11:00 a.m.. Superfresh is hiring and they need to fill many positions so spread the word. Please join us for the ribbon-cutting and in welcoming this new business to our community.
6. Regarding the Bound Brook Road/Route 28 Streetscape Beautification project the necessary permit for installation of the ornamental street light fixtures has been secured and PSEG had informed us that we can expect delivery and installation of the new street lighting shortly. Staff is also working with Councilman Dessino on planning for new banners with the "Middlesex" logo for the new street light poles.
7. Middlesex Borough has received a grant in the amount of \$178,795.00 from the Federal Emergency Management Agency (FEMA). The grant is from FEMA's 2022 Assistance to Firefighters Grant program. It will fund the acquisition of Personal Protective Equipment and Thermal Imaging Cameras.
8. The Federal Government (Department of Energy) is working with the Borough on the formal transfer of ownership of the Middlesex Sampling Plant site, located off of Wood Avenue, to the Borough. A ceremony is being planned for here in Middlesex on October 11. It will begin at 10:30 a.m. followed by lunch. Mayor Madden will speak on behalf of the Borough at the event.
9. Our Director of Code Enforcement and Zoning Officer reports that the new SDL Spatial Data software system is installed and is being tested.
10. I have very good news regarding the historic Lincoln Park at the southwest corner of Lincoln Boulevard and Mountain Avenue. The Borough now has clear title to and legally recognized ownership of the site. This

much-loved park and the setting for the statue of Abraham Lincoln, is a parcel measuring 150 x 100 feet in area.

11. Executive Session this evening - discussion of possible litigation regarding Lake Creighton, Real Estate regarding Daisy Park and the old Firehouse property and a Personnel Matter involving the Council and staff.

PRIVILEGE OF THE FLOOR

Claire Levourne, 809 Grandview Street, asked if the Borough could look into an incentive program to encourage planting new trees that would replace the ones removed from the Army Corps Flood Program.

Kevin Redzinski, 441 Fairview Avenue, suggested that the Council have a reward for the apprehension of the individual who released the alligator, and recommended that the Borough bill the individual for the costs that have been associated with the search.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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 Firstrust Bank
P.O. Box 774
Fort Washington, PA 19034-0774

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

NON-CONSENT AGENDA/RESOLUTIONS

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

AGENDA WORKSHOP ITEM

1. Heather Lane Property Erosion

Council President Conahan stated that he wants to keep the issues on Heather Lane front and center, which will hopefully put some pressure on everyone.

Council President Conahan read the following into the record:

Email from Raymond Murray:

“All;

I am writing you regarding the erosion issue affecting properties on Heather Lane in Middlesex. Over the past two years, there have been many emails, meetings and investigations which have occurred, but no solution has been found. It is apparent that no one level of government is in a position to come up with a solution, but I believe that there may be a path forward, if all three levels of government work together.

Recently, the situation has gotten a great deal of attention, none of which has been positive. There have been news reports on the News 12 NJ, CBS New York, and questions asked of Governor Murphy during live, televised Q&A. Additionally, the GBFCC was asked for more information this morning, by someone gathering information for CBS radio.

With each threatened storm, the real possibility of additional damage to these homes exist, including the potential flood event in the forecast for tomorrow. I would like to find time in the near future where USACE , NJDEP, and Middlesex Borough can join a Zoom call to have an open discussion and try to work together to come up with a plan. To that end, I would ask if each of the three levels of government can reply with possible dates where representatives can join the call to discuss a possible remedy."

Council President Conahan thanked the Mayor for helping bring the crisis to the attention of several news entities.

Councilman Dessino discussed the effect that stopping the Flood Wall had on the responses the Borough received from everyone.

Councilman Mikolajczyk suggested scheduling a meeting and not waiting on them to set the pace, which would give a more rapid response.

The Borough Engineer gave his assessment of 6 Heather Lane, and his estimation of the potential damage. He stated that with the current erosion, he does not expect the house to withstand a few more rainfalls before it crumbles into the brook.

The Council discussed short and long term solutions with suggestions from Lenny Vidal and the Engineer.

It was decided that the stabilization of the embankment should be the main focus at the moment.

Mayor Madden discussed the need for environmental emergency funds to be released to help aid this problem.

Council President Conahan discussed the need for more than one plan of action, suggesting they think of a Plan B.

Councilman Mikolajczyk brought up the time restraint, stating that even if funds were to become available, there is not enough time before the homes go into the brook.

Councilman Dessino discussed the potential benefits of making the property Blue Acres.

2. Wellington Street - Parking Restrictions

Mayor Madden read the following from the Police Study:

"In response to multiple complaints in regards to the obstruction of vision on the Northwest corner of Wellington Street and Marlborough Avenue, I conducted a site survey, observing the area several times for multiple days and various times, not observing any parking violations. I did observe that cars that were legally parked on the north side of Wellington Street were obstructing the vision of motorists traveling south on Marlborough Avenue attempting to turn west on Wellington Street. I also observed vehicles traveling north on Marlborough Avenue attempting to turn west on Wellington Street having a difficult time due to cars parked legally on the north side of Wellington Street. I recommend the Borough adopt an ordinance to restrict parking on the north side of Wellington Street for a distance of 50 feet from the intersection of Marlborough Avenue."

Mayor Madden received a consensus from the Council to introduce an ordinance restricting parking on Wellington Street.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

Mayor Madden opened the Privilege of the Floor on the Agenda Workshop Items:

Kevin Redzinski, 441 Fairview Avenue, expressed his concern over the communication with the homeowners and the Borough. He also expressed his frustration over the lack of help and support from the DEP, Governor and County. Mr. Redzinski suggested that the Council look into American Rescue Grant funds to financially help solve this issue. He emphasized the need for immediate action and the imminent environmental disaster that is upon us if the homes go into the brook.

Ken Beck, 5 Heather Lane, asked the Council to use him as a liaison between the residents on Heather Lane and the Borough. He stated that he is encouraged by the fact that the Council is talking about the issues on the agenda workshop. Mr. Beck asked for better communication between the Borough and residents. He strongly encouraged the Council to handle the safety of the residents first and foremost. Mr. Beck asked if he could get clarification on the term used by the DEP "Out of the Scope of the Project" and how they can support that claim.

Bonnie Coleman, 4 Heather Lane, asked why back in the 80's homes were permitted to be built so close to the riverbank, and when and who decided to push them back in current buildings. She asked why, if the home was unsafe at 6 Heather Lane, was the gas just turned off last week. She expressed her frustrations on the lack of representation and the need for help and support for the residents.

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

Potential Litigation - Lake Creighton

Real Estate - Daisy Park

Personnel - Council/Staff

ADJOURNMENT

The next Regular Meeting will be September 26, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk