

**BOROUGH OF MIDDLESEX
REGULAR MEETING
AGENDA
AUGUST 8, 2017
7 PM**

1. **MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of an annual meeting notice to the Star Ledger, Courier News and Home News, and posted at the Municipal Building.

2. **SALUTE TO FLAG**

3. **ROLL CALL:**

Dotey [] Parenti [] Corley [] Madden [] Schueler [] Mikolajczyk []
Mayor DiMura []

4. **PRESENTATIONS**

5. **APPOINTMENTS**

1. Resolution #196-17 Appointing Robert Dangler as a Probationary Patrolman for the Borough of Middlesex effective August 9, 2017 at an annual salary of \$52,494.
2. Resolution #197-17 Appointing Paul Cerreto as a Probationary Patrolman for the Borough of Middlesex effective August 9, 2017 at an annual salary of \$52,494.

6. **PROCLAMATIONS**

1. Charcot-Marie-Tooth Awareness Month – September, 2017

7. **NEW BUSINESS**

1. ORDINANCE NO. 1923-17 – AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 407, VEHICLES AND TRAFFIC TO INCLUDE ARTICLE IV PROHIBITED PARKING, SECTION 407-11.3 B STREET, PROHIBITED PARKING; SIGNS; PENALTY AND SECTION 407-11.4 C STREET; PROHIBITED PARKING; SIGNS; PENALTY

8. **PUBLIC HEARING & FINAL ADOPTION**

1. ORDINANCE NO. 1922-17 - BOND ORDINANCE APPROPRIATING \$400,000 AND AUTHORIZING \$380,000 BONDS OR NOTES OF THE BOROUGH FOR THE RECONSTRUCTION OF A PORTION OF WARRENVILLE ROAD AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

9. ADOPTION OF MINUTES

1. Approval of the July 25, 2017 Regular Meeting Minutes

10. REPORTS

11. REPORTS - STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Insurance/Public Utilities
2. Recreation/Recreation Fields/Swim Pool/Community Celebrations
 - a. Approval of the Recreation Director's Report for the Month of July, 2017.
 - b. Soccer Registration
 - c.. Summer Camp
 - d.. Movie Night
 - e. Community Day
 - f. Upcoming Registrations
3. Fire/OEM/Rescue Squad/Shade Tree
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement/Construction/Municipal Court
 - a. National Night Out
 - b. Permit Parking Update
6. Administration/Department of Senior Services/Legislation/Licensing/Board of Health

12. 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.

- 13. 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 #198-17 The Governing Body hereby awards the bid for the Replacement Windows for Borough Hall to Panoramic Window & Door Systems, Inc., Stockton, NJ in the amount of \$149,500.00.

2. Resolution #199-17 Resolution # 203-17 Accepting the resignation of Anthony Vietri from the Zoning Board of Adjustment.
3. Resolution #200-17 The Governing Body hereby approves the proposal dated July 10, 2017 from Remington & Vernick for the Design and Permit Inspections for the Mountain View Park Project - Phase 1 in the amount of \$375,000.00.
4. Resolution #201-17 Authorizing the Mayor and Borough Clerk to execute a Right of Entry to the Army Corps of Engineers for the Municipal Landfill FUSRAP Site, Block 318, Lot 1 and Block 318, Lot 47.
5. Resolution #202-17 Authorizing the Mayor and Borough Clerk to execute a Right of Access to the properties known and designated as Block 319, Lot 47 and Block 318, Lot 44 to GZA GeoEnvironmental, Inc. ("GZA") to conduct wetlands delineation for a remedial investigation of the properties known and designated as Block 381, Lot 48, having a street address of 245 Mountain Avenue, Middlesex.
7. Resolution #203-17 The Tax Collector is hereby authorized to issue a check in the amount of \$267.97 to redeem Tax Sale Certificate #16-00024 and a check in the amount of \$1000.00 for a Tax Sale Premium, Block 230 Lot 10, 210 Second St. Check is made payable to: TWR as CST for Ebury Fund 1NJ, PO Box 37695, Baltimore, MD 21297-3695.
8. Resolution #204-17 The Governing Body hereby approves advancing Police Officer George Pilesky to Patrolman Class C effective August 15, 2017 at an annual salary of \$88,643 at the recommendation of Chief Geist.
9. Resolution #205-17 The Governing Body hereby approves advancing Police Officer Colin DeVincenzo to Patrolman Class F effective August 17, 2017 at an annual salary of \$61,530 at the recommendation of Chief Geist
14. **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 #206-17 Pay All Claims
15. **AGENDA WORKSHOP ITEM**
 1. Zero Plot Lines
16. **PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS**
17. **EXECUTIVE SESSION** - Action may be taken immediately after Executive Session on any items posted below
18. **ADJOURNMENT.** The next Regular Meeting will be on August 22, 2017.

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

Resolution #196-17

WHEREAS, Robert Dangler has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

WHEREAS, Chief Geist is recommending that Robert Dangler be appointed to the position of Probationary Patrolman effective August 9, 2017 at an annual salary of \$52,494.00.

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

1. Robert Dangler is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective August 9, 2017 at an annual salary of \$52,494.00.
2. This resolution shall take effect immediately.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT ABSTRACT OF A RESOLUTION
REGULARLY ADOPTED AT A MEETING OF THE
COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT
COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

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

Resolution #197-17

WHEREAS, Paul Cerreto has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

WHEREAS, Chief Geist is recommending that Paul Cerreto be appointed to the position of Probationary Patrolman effective August 9, 2017 at an annual salary of \$52,494.00.

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

1. Paul Cerreto is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective August 9, 2017 at an annual salary of \$52,494.00.
2. This resolution shall take effect immediately.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

PROCLAMATION

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, RONALD J. DIMURA, 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 2017 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.

Given Under My Hand and the Seal of the Borough of Middlesex, New Jersey, This 8th Day of August, 2017.



Ronald J. DiMura, Mayor

ORDINANCE NO. 1923-17

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN CHAPTER 407, VEHICLES AND TRAFFIC TO INCLUDE ARTICLE IV PROHIBITED PARKING, SECTION 407-11.3 B STREET, PROHIBITED PARKING; SIGNS; PENALTY AND SECTION 407-11.4 C STREET; PROHIBITED PARKING; SIGNS; PENALTY

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

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

Chapter 407 shall be amended to include Article IV, Section 407-11.3 and 407-11.4 as follows:

**ARTICLE IV
PROHIBITED PARKING**

§407-11.3 B Street; prohibited parking; signs, penalty

- A. Parking of motor vehicles shall be prohibited at all times and on all days on the west side of B Street from the point of intersection with the northerly side of Lincoln Boulevard for One Hundred Thirty (130) feet towards the point of intersection with the southerly side of Chestnut Street.
- B. Parking of motor vehicles shall be prohibited at all times and on all days on the east side of B Street from the point of intersection with the northerly side of Lincoln Boulevard to the point of intersection with the southerly side of Chestnut Street.
- C. No-parking signs in accordance with specifications as provided by statute of the State of New Jersey shall be posted in the appropriate areas.
- D. A fifty-dollar fine shall be imposed for violations of this section.

§407-11.4 C Street; prohibited parking; signs, penalty

- A. Parking of motor vehicles shall be prohibited at all times and on all days on the east side of C Street from the point of intersection with the northerly side of Lincoln Boulevard for One Hundred Sixty (160) feet towards the point of intersection with the southerly side of Chestnut Street.
- B. Parking of motor vehicles shall be prohibited at all times and on all days on the west side of C Street from the point of intersection with the northerly side of Lincoln Boulevard to the point of intersection with the southerly side of Chestnut Street.
- C. No-parking signs in accordance with specifications as provided by statute of the State of New Jersey shall be posted in the appropriate areas.
- D. A fifty-dollar fine shall be imposed for violations of this section.

SECTION II. This ordinance shall take effect upon final adoption and publication as required by law.

ATTEST:

Kathleen Anello, Municipal Clerk

Ronald J. DiMura, Mayor

INTRODUCED: August 8, 2017

DATE PUBLICATION
OF INTRODUCTION:

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION:

ORDINANCE NO. 1922-17

**BOND ORDINANCE APPROPRIATING \$400,000 AND AUTHORIZING
\$380,000 BONDS OR NOTES OF THE BOROUGH FOR THE
RECONSTRUCTION OF A PORTION OF WARRENVILLE ROAD
AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF
MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY**

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

Section 1. The Borough Council of the Borough of Middlesex, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$400,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$20,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$400,000 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$380,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the reconstruction of a portion of Warrenville Road, including, without limitation, curbing, sidewalk and related drainage improvements, and also including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$380,000.

(c) The estimated cost of said purposes is \$400,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor, if necessary, being the amount of the said \$20,000 down payment for said purposes.

Section 4. The following matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete electronic copy thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$380,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$92,435 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

Section 5. Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including the sum of \$353,700 to be received as a grant from the New Jersey Department of Transportation, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and

capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$380,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

Kathleen Anello, Municipal Clerk

Ronald J. DiMura, Mayor

INTRODUCED: July 25, 2017

DATE PUBLICATION
OF INTRODUCTION: July 28, 2017

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION:

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

Resolution #198-17

WHEREAS, sealed bids was requested pursuant to a duly noticed and published Request for Proposals; and

WHEREAS, all bids were to be received on July 18, 2017 for the proposal for Replacement Windows for Borough Hall; and

WHEREAS, there was one bid received for this project which is listed below:

Panoramic Window & Door Systems, Inc. \$149,500.00
712 Sergeantsville Road
Stockton, NJ 08559

WHEREAS, the Department of Public Works Supervisor recommends to award the bid to Panoramic Window & Door Systems, Inc. of Stockton, New Jersey, in the amount of \$149,500.00; and

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

1. Based upon the recommendation of the Department of Public Works Supervisor, the governing body hereby awards the bid for the Replacement Windows to Panoramic Window & Door Systems, Inc. of Stockton, New Jersey, in the amount of \$149,500.00.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in account number C-04-17-920-000-083 in the amount of \$149,500.00.

Caroline Benson, Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #199-17**

Accepting the resignation of Anthony Vietri from the Zoning Board of Adjustment.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #200-17**

WHEREAS, the governing body received a proposal from Remington & Vernick Engineers dated July 10, 2017 for the Construction, Design and Permit, and Inspection for the Mountain View Park – Phase 1; and

WHEREAS, the proposal for this project include:

- | | |
|--------------------|----------------|
| 1. Construction | \$2,034,452.00 |
| 2. Design & Permit | \$250,000.00 |
| 3. Inspection | \$125,000.00 |

TOTAL COST	\$2,409,452.00
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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The governing body hereby approves the proposal from Remington & Vernick Engineers dated July 10, 2017 for the Design and Permit (\$250,000), and Inspection (\$125,000) for the Mountain View Park – Phase 1 project in the total amount of \$375,000.00.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in the amount of \$375,000.00 are available in Account No. G-02-17-100-000-101.

Caroline Benson, Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
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Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #201-17**

Authorizing the Mayor and Borough Clerk to execute a Right of Entry to the Army Corps of Engineers for the Middlesex Municipal Landfill FUSRAP Site, Block 318 Lot 1 and Block 318 Lot 47 for the purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metal contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; construct, operate, maintain, repair, replace, and remove groundwater extraction, treatment and injection systems and monitoring wells; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed thirty-six (36) months and beginning on the date of execution of the executed document.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #202-17**

Authorizing the Mayor and Borough Clerk to execute a Right of Access to the properties known and designated as Block 319, Lot 47 and Block 318, Lot 44 to GZA GeoEnvironmental, Inc ("GZA") to conduct wetlands delineation for a remedial investigation of the properties known and designated as Block 381, Lot 48, having a street address of 245 Mountain Avenue, Middlesex, NJ to address detected contaminants in accordance with the requirements of the NJDEP.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
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MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #203-17**

The Tax Collector is hereby authorized to issue a check in the amount of \$267.97 to redeem Tax Sale Certificate #16-00024 and a check in the amount of \$1000.00 for a Tax Sale Premium, Block 230 Lot 10, 210 Second St. Check is made payable to:

TWR as CST for Ebury Fund 1NJ
PO Box 37695
Baltimore, MD 21297-3695

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #204-17**

WHEREAS, Police Officer George Pilesky is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On July 31, 2017 Chief Geist recommended Police Officer George Pilesky be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer George Pilesky be and is hereby advanced in grade to Patrolman Class "C" effective August 15, 2017 at an annual salary of \$88,643.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution #205-17**

WHEREAS, Police Officer Colin DeVincenzo is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On July 31, 2017 Chief Geist recommended Police Officer Colin DeVincenzo be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Colin DeVincenzo be and is hereby advanced in grade to Patrolman Class "F" effective August 17, 2017 at an annual salary of \$61,530.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

Be it resolved, by the Mayor and Council of the Borough of Middlesex, New Jersey that: **Resolution # 206-17**

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.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Dotey				
Madden				
Mikolajczyk				
Parenti				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

I CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF A RESOLUTION REGULARLY ADOPTED AT A MEETING OF THE COMMON COUNCIL OF MIDDLESEX, HELD

AND IN THAT RESPECT A TRUE AND CORRECT COPY OF ITS MINUTES

CLERK OF THE BOROUGH OF MIDDLESEX, NJ

RIGHT OF ACCESS AGREEMENT

This **RIGHT OF ACCESS AGREEMENT** (this "Agreement") is made on this ____ day of _____ 2017 between GZA GeoEnvironmental, Inc. ("GZA") with offices at 55 Lane Road, Suite 407, Fairfield, NJ 07004 and Borough of Middlesex, with properties located at Railroad Avenue and Off Mountain Avenue in Middlesex, New Jersey.

A. Borough of Middlesex ("Owner") is the owner of the premises known and designated as Block 319, Lot 47 and Block 318, Lot 44 on the Tax Map of the Township of Middlesex, having street addresses of Railroad Avenue and Off Mountain Avenue in Middlesex, New Jersey ("Premises").

B. GZA, on behalf of GATX Corporation, is currently undertaking a remedial investigation of the properties known and designated as Block 318, Lot 48 on the Tax Map of the Borough of Middlesex, having a street address of 245 Mountain Avenue, Middlesex, New Jersey to address detected contaminants in accordance with the requirements of the New Jersey Department of Environmental Protection ("NJDEP") and the Technical Requirements for Site Remediation, N.J.A.C. 7:26D-1.1 et seq. ("Tech Regs"). To comply with NJDEP's Tech Regs, GZA needs access to the Premises to conduct wetlands delineation as indicated below.

C. Owner is willing to grant a limited right of access to GZA to conduct Permitted Actions as defined below subject to the terms and conditions herein.

In consideration of the promises and the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

I. Access to Premises

GZA, its contractors and sub-contractors (collectively hereinafter "Contractors"), shall have the limited right of access upon the Premises and its structures during normal business hours for the purposes of performing Permitted Actions, as defined below.

II. Permitted Actions

GZA and Contractors shall have the limited right of access to the Premises to conduct a wetlands delineation, at its sole cost and expense, in connection with GZA's performance of its Remedial Investigation. A description of the investigation is described in the Scope of Work included as Appendix A. The Scope of Work may be supplemented and made part of this Agreement as approved by the parties. For as long as this Agreement remains in effect, GZA at its sole expense, agrees to conduct the Permitted Actions at the Premises in accordance with all applicable federal, state and local statutes, regulations, ordinances and standards. GZA agrees on its behalf and on behalf of its Contractors to perform and coordinate all Permitted Actions in a manner so as not to unreasonably interfere with Owner's ongoing activities at the Premises and the structures thereon, and perform such activities in a good and workmanlike manner. All Permitted Actions will be performed in such a manner so as not to cause damage to the Premises or injury to any person, property or the environment. GZA and its contractors shall promptly repair any damage caused by such access and restore the Premises to the condition that existed prior to access.

III. Notification of Access

Prior to the entry upon the Premises, GZA and/or Contractors shall, at least 24 hours in advance of any entry, notify Owner regarding limited access to the Premises. The notice shall provide the date that GZA and/or Contractors will enter the Premises and, to the extent possible, the identity of all persons who shall enter the Premises.

IV. Insurance Coverage

Prior to the entry upon the Premises, Contractors and any person conducting Permitted Actions on behalf of GZA shall:

- a. Furnish or cause to be furnished to Owner and cause to be maintained and kept in effect without expense to Owner, at all times that Contractors are upon the Premises, insurance against claims for personal injury (including death), and property damage, under a policy or policies of general public liability insurance of not less than \$1,000,000 in respect to bodily injury and \$1,000,000 for property damage, naming Owner as an additional insured; and
- b. Cause to be furnished to Owner and cause to be maintained and kept in effect without expense to Owner, at all times that Contractors are on upon the Premises, adequate workers compensation insurance to cover Contractors while engaged in work at the Premises.

V. Notices

All notices required or permitted by this Agreement shall be in writing and shall be sent via email, or certified or registered mail, return receipt requested, addressed as follows:

If to GZA: Joseph Galley
 GZA GeoEnvironmental, Inc.
 55 Lane Road, Suite 407
 Fairfield, NJ 07004
 973-774-3335

If to Owner: Borough of Middlesex
 1200 Mountain Avenue
 Middlesex, NJ 08846

VI. Termination of Agreement

Upon the completion of the Permitted Action at the Premises, this Agreement shall terminate and GZA shall have no further obligation or responsibility to Owner.

VII. Waiver; Modification

Failure by either GZA or Owner to insist upon or enforce any of its rights shall not constitute a waiver thereof and nothing shall constitute a waiver of either party's right to insist upon strict compliance with the provisions hereof. Any party hereto may waive the benefit of any provisions or conditions for its benefit contained in this Agreement. No oral modification hereof shall be binding upon the parties, and any modification shall be in writing and signed by the parties.

VIII. Use of Agreement

This Agreement or any action to be taken by GZA and Contractors in conjunction herewith shall not be construed to be any admission or inference of guilt, liability, responsibility or fault.

IX. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

X. Interpretation

The section headings used herein are for reference and convenience only and shall not enter into the interpretation hereof.

XI. Survival of Covenants

All covenants contained herein which require performance subsequent to the termination of this Agreement shall survive said termination.

XII. Successors and Assigns

This Agreement shall be binding upon the successors and assigns of all parties.

XIII. Release of Data

GZA shall supply Owner with a copy of the results of the investigation of the Premises.

XIV. Execution of Agreement

Each of the undersigned hereby represents and warrants that it is authorized to execute this Agreement on behalf of the respective party to this Agreement and that this Agreement, when executed by those parties, shall become a valid and binding obligation, enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first written above.

WITNESS:

Name: Joseph Galley
Title: Vice President

By: _____
Name:

WITNESS:

Name: Borough of Middlesex
Title: Owner

By: _____
Name:

APPENDIX A SCOPE OF WORK

GZA requests access to determine the jurisdictional limits of State open waters (SOWs) and wetlands on the property under the guidelines in the New Jersey Wetland Delineation Rules 7:7A et-seq to support GATX's application for a Line Verification Letter of Interpretation (LOI) to NJDEP. The Line Verification LOI will identify the boundaries of freshwater wetlands, transition areas, and/or SOWs, which NJDEP will confirm or modify.

GZA will delineate wetlands on the property through a visual assessment of vegetation and soil type using a hand auger. GZA will mark the boundary of the wetlands with temporary flags or tape. Upon completion of the flagging and stream assessment, GZA will retain a NJ-licensed surveyor to survey the wetlands delineation flags, identify the metes and bounds of properties containing wetlands, and provide topographic contours for the wetlands area. This work will be an update to the previous wetlands delineation completed in 2007.

The wetlands delineation is expected to take approximately two work days and the surveying work is expected to take approximately one work day. Work days may not be consecutive.



Proactive by Design

GEOTECHNICAL
ENVIRONMENTAL
ECOLOGICAL
WATER
CONSTRUCTION
MANAGEMENT

55 Lane Road,
Suite 407
Fairfield, NJ 07004
973-774-3300
www.gza.com

July 19, 2017
File No. 12.0076584.00

Municipal Clerk
Borough of Middlesex
1200 Mountain Avenue
Middlesex, New Jersey 08846

Re: Access Agreement
Block 319 Lot 47
Block 318 Lot 44
Middlesex, New Jersey

Site: Middlesex Industrial Center
245 Mountain Avenue
Middlesex, New Jersey

Dear Municipal Clerk:

On behalf of our client GATX Corporation (GATX), GZA GeoEnvironmental, Inc. (GZA) requests access to the properties you own identified as Block 219 Lot 47 and Block 318 Lot 44 to delineate the limits of wetlands as part of the on-going environmental remediation at the property located at 245 Mountain Avenue, Middlesex, New Jersey. The New Jersey Department of Environmental Protection (NJDEP) Preferred Identification Number for the Site is G000003353. Delineation of wetlands is required in order for GATX to obtain permits to complete investigation and remediation activities within the limits of the wetlands and the wetlands transition zone.

GZA has prepared the enclosed access agreement. ***Please review and sign the enclosed agreement and return to me in the enclosed self-addressed and stamped envelope.*** I will return a fully executed agreement to you upon receipt of your signed copy.

Thank you for your cooperation in this matter. Please contact me at 973-774-3308 if you have any questions.

Very truly yours,
GZA GEOENVIRONMENTAL, INC.


Lauren Koch Schoenemann, LSRP
Project Manager

Enclosure: Right of Access Agreement

cc: GATX



DEPARTMENT OF THE ARMY

RIGHT OF ENTRY

Middlesex Municipal Landfill FUSRAP Site
(Site Name)

Mountain Ave.
(Parcel)

The undersigned, hereinafter called the "Grantor," in consideration of the performance of removal and remedial activities under the Formerly Utilized Sites Remedial Action Program (FUSRAP) by the UNITED STATES OF AMERICA, hereby grants to the U.S. Army Corps of Engineers, its agents, employees, representatives, contractors and assigns, hereinafter called the "Government," an irrevocable right of entry upon the property at 1200 Mountain Avenue, Borough of Middlesex, County of Middlesex, State of New Jersey, (hereinafter the "Property") subject to the following terms and conditions:

1. This Right of Entry is granted for purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metals contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; construct, operate, maintain, repair, replace, and remove groundwater extraction, treatment and injection systems and monitoring wells; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed thirty-six (36) months and beginning on the date of execution of this document.

2. All tools, equipment, and other materials brought onto or placed upon the land by the Government and owned by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.

3. It is the Government's responsibility to safeguard its (including those of its contractors and subcontractors) tools, equipment and materials. Grantor shall not be responsible for any lost, stolen, damaged or destroyed tools, equipment and/or materials of the Government or its contractors unless caused by the negligence of the Grantor. The Government shall have the right to patrol and police the Property during the period of this Right of Entry when the Government is storing or has placed tools, equipment or other materials on the Property.

4. The Government shall provide Grantor with the names of all contractors that will be accessing the Property on the Government's behalf pursuant to this Agreement. All employees of the Government or its contractors shall follow the reasonable rules relating to conduct at the facility (such as those relating to the wearing of an ID, signing when entering and exiting the property, smoking only in those areas, if any, designated for smoking as well as those relating to following safe work practices).

5. In consideration of granting this Right of Entry, the Government shall provide Grantor with copies of field/analytical data generated by the Government as a result of its FUSRAP activities associated with the Property, including data generated as a result of activities performed off the site of the Property upon written consent of those off-site property owners, promptly upon completion of any quality assurance verification of such data that may be required pursuant to the Government's quality assurance procedures.

6. If any action of the Government in the exercise of the rights granted herein results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Grantor. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Grantor may have to make a claim under applicable laws for any damages other than those provided for herein.

7. The lands affected by this Right of Entry are located at 1200 Mountain Avenue, Borough of Middlesex, County of Middlesex, state of New Jersey, Tax Map Block 318, Lot No. 147.

8. The Government shall give reasonable notice of the date upon which the work shall commence and the day(s) it intends to utilize the rights granted herein. Person(s) to be contacted: Mayor Ron DiMura, Borough of Middlesex, 1200 Mountain Avenue, Middlesex, New Jersey, 08846; phone 732-356-7400.

WITNESS MY HAND this _____ day of _____, 2017.

Grantor

Accepted:

UNITED STATES OF AMERICA

By: _____
Noreen Dean Dresser
Chief, Real Estate Division

DEPARTMENT OF THE ARMY

RIGHT OF ENTRY

Middlesex Municipal Landfill FUSRAP Site
(Site Name)

Mountain Ave.
(Parcel)

The undersigned, hereinafter called the "Grantor," in consideration of the performance of removal and remedial activities under the Formerly Utilized Sites Remedial Action Program (FUSRAP) by the UNITED STATES OF AMERICA, hereby grants to the U.S. Army Corps of Engineers, its agents, employees, representatives, contractors and assigns, hereinafter called the "Government," an irrevocable right of entry upon the property at 1200 Mountain Ave, Borough of Middlesex, County of Middlesex, State of New Jersey, (hereinafter the "Property") subject to the following terms and conditions:

1. This Right of Entry is granted for purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metals contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; construct, operate, maintain, repair, replace, and remove groundwater extraction, treatment and injection systems and monitoring wells; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed thirty-six (36) months and beginning on the date of execution of this document.

2. All tools, equipment, and other materials brought onto or placed upon the land by the Government and owned by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.

3. It is the Government's responsibility to safeguard its (including those of its contractors and subcontractors) tools, equipment and materials. Grantor shall not be responsible for any lost, stolen, damaged or destroyed tools, equipment and/or materials of the Government or its contractors unless caused by the negligence of the Grantor. The Government shall have the right to patrol and police the Property during the period of this Right of Entry when the Government is storing or has placed tools, equipment or other materials on the Property.

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5. In consideration of granting this Right of Entry, the Government shall provide Grantor with copies of field/analytical data generated by the Government as a result of its FUSRAP activities associated with the Property, including data generated as a result of activities performed off the site of the Property upon written consent of those off-site property owners, promptly upon completion of any quality assurance verification of such data that may be required pursuant to the Government's quality assurance procedures.

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7. The lands affected by this Right of Entry are located at 1200 Mountain Ave, Borough of Middlesex, County of Middlesex, state of New York, Tax Map Block 318, Lot No. 147.

8. The Government shall give reasonable notice of the date upon which the work shall commence and the day(s) it intends to utilize the rights granted herein. Person(s) to be contacted: RONALD DOBIE, Borough of Middlesex, 1200 Mountain Ave, Middlesex, New Jersey, 08846; phone: 732-356-7400 x255.

WITNESS MY HAND this 16 day of July, 2014.

Ronald S. Dobie
Grantor

Accepted:

UNITED STATES OF AMERICA

By: Noreen Dear Dresser
Noreen Dear Dresser
Chief, Real Estate Division

Kathleen Anello

To: Brandon Goldberg
Subject: FW: Middlesex Municipal Landfill FUSRAP items and ROE
Attachments: Fully Executed ROE - Middlesex Municipal Landfill - July 2014.pdf; ATT00001.htm; FUSRAP MML Borough ROE July 2017.doc; ATT00002.htm; Fully Executed ROE - Middlesex Municipal Landfill - July 2014.pdf; Fully Executed ROE - Middlesex Municipal Landfill - July 2014.pdf

From: Kathleen Anello
Sent: Thursday, July 20, 2017 3:12 PM
To: Kathleen Anello
Subject: Fwd: Middlesex Municipal Landfill FUSRAP items and ROE

Sent from my iPhone

Begin forwarded message:

From: Kathleen Anello <kanello@middlesexboro-nj.gov>
Date: July 19, 2017 at 11:29:08 PM EDT
To: Kathleen Anello <kanello@middlesexboro-nj.gov>
Subject: Fwd: Middlesex Municipal Landfill FUSRAP items and ROE

Sent from my iPhone

Begin forwarded message:

From: "Ewy, Ann CIV USARMY CENWK (US)" <Ann.Ewy@usace.army.mil>
Date: July 18, 2017 at 8:24:01 AM EDT
To: Kathleen Anello <kanello@middlesexboro-nj.gov>
Subject: Middlesex Municipal Landfill FUSRAP items and ROE

Good morning Ms. Anello:

The USACE is preparing for the next phase of our work at the Middlesex Municipal Landfill (MML). As we have previously discussed with you, we are conducting our work under CERCLA which is a prescriptive process that dictates the steps we take in our work. Our last phase was the Remedial Investigation to delineate the nature and extent of contamination. The next phase is the Feasibility Study where we study alternatives to address potential contamination. We anticipate this field effort to start in October 2017 and last about 2 months.

In anticipation of this field effort, I had a few items I wanted to touch base with you on.

1- Would you like us to prepare a fact sheet like we have in the past that you

would be able to distribute to residents if you're asked any questions? I'm happy to get that done if so.

2-Our right of entry is expiring so I have drafted a new one. I attached the new Word document in case you need to make changes and then can sign and send back to me. I also attached the existing ROE for your reference. I only changed the Mayor's name (and changed NY to NJ in 1 spot it was inadvertently included..yikes!).

3-We will have a new contractor in the field for this effort. Ecology & Environment will be doing the work. I would like to send a separate email to you introducing you to the field team lead should you need anything from him while they are in the field. Please let me know if there is anyone else you'd like me to include on that email. I was considering the Mayor but wanted to find out from you if that would be appropriate.

And of course you are always welcome to contact me with any questions at all. My contact information is below and I included my personal cell in case I'm not in the office. With my son being on summer break, my schedule has me at home a little more for the next month.

Thank you!

Ann

U.S. Army Corps of Engineers, Kansas City District
Ann Ewy
601 E 12th Street
Kansas City, MO 64106
Direct: 816-389-3863
Mobile: 913-488-9490

ANTHONY VIETRI
284 HARRIS AVENUE
MIDDLESEX, NJ 08846

732-841-8573
bv284@verizon.net

July 10, 2017

Ronald J. DiMura, Mayor
Borough of Middlesex
1200 Mountain Avenue
Middlesex, NJ 08846

Re: Letter of Resignation
Middlesex Borough Zoning Board of Adjustment

Dear Mayor DiMura:

I am writing to notify you that I am resigning from my position as Member on the Middlesex Borough Zoning Board of Adjustment effective immediately, due to the fact that I am now employed by the Borough of Middlesex.

It has been an honor and a pleasure to serve as a Member of the Zoning Board working along side of Chairman John Anello and the rest of the Board.

Thank you.

Sincerely,



ANTHONY VIETRI

AV/mat

C: John Anello, Chairman, Zoning Board of Adjustment