

**BOROUGH OF MIDDLESEX
REGULAR MEETING
AGENDA
OCTOBER 25, 2016
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 Borough Hall.
2. **SALUTE TO FLAG**
3. **ROLL CALL:**

Greco [] Kaplan [] Corley [] Madden [] Schueler [] Mikolajczyk []
Mayor DiMura []
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **PRESENTATIONS**
 1. Solar Energy Presentation – Robert White & Steven Schwartz
Lucent Energy
 2. Presentation by Mayor DiMura Recognizing Dina Fornataro-Healey for her 17 Years of Service.
7. **NEW BUSINESS**
 1. **ORDINANCE NO. 1901-16 – AN ORDINANCE TO AMEND CHAPTER 332 SEWERS, ARTICLE I USE, SECTION 332-7 PROHIBITIONS, SECTION 332-9 PROHIBITED WASTES OR WATER AND SECTION 332-14 DEFINITIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX**
8. **PUBLIC HEARING**
9. **ADOPTION OF MINUTES**
 1. Approval of the October 11, 2016 Regular Meeting Minutes
10. **REPORTS**
 1. Mayor
11. **REPORTS - STANDING COMMITTEES:**
 1. Finance/Taxation/Real Estate/Insurance/Public Utilities

2. Recreation/Recreation Fields/Swim Pool/Community Celebrations
3. Fire/OEM/Board of Health/Rescue Squad
 - a. Middlesex Flood Map
 - b. Banning the Sale of Tobacco to Individuals under 21
4. Public Works/Buildings & Grounds/Recycling
5. Police/Legal/Code Enforcement/Construction/Municipal Court
6. Administration/Department of Senior Services/Legislation/Licensing

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.

12. 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 #217-16 Authorizing the Mayor and Borough Clerk to execute the renewal of the Interlocal Service Agreement with Middlesex County covering the CFC Recovery Reimbursement Program effective January 1, 2017 – December 31, 2019
2. Resolution #218-16 Authorizing the Mayor and Borough Clerk to execute the renewal of the Interlocal Service Agreement with Middlesex County covering the Paint Collection Program effective January 1, 2017 – December 31, 2019
3. Resolution #219-16 Authorizing the Mayor and Borough Clerk to execute the grant agreement between the County of Middlesex and Middlesex Borough under the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund in the amount of \$1,497,227 for the improvements and/or development of the Green Acres Recreation Area at Mountain View Park
4. Resolution #220-16 Appointing Carmen Modica as Acting Purchasing Agent for an annual stipend in the amount of \$7,500 effective immediately
5. Resolution #221-16 Approving the proposal from Remington & Vernick Engineers dated August 31, 2016 in the amount of \$76,647.50 for the design and

inspection/contract administration services for the Bonnie Brook Terrace Reconstruction project.

6. Resolution #222-16 Accepting an Assignment of the Tax Sale Certificate of the Estate of Walt C. Ryan for property located on Lincoln Blvd. Block 325 Lot 1.
7. Resolution #223-16 Modifying the hours for all retail liquor license holders who serve liquor on any licensed premise in the Borough of Middlesex on Sunday, October 23, 2016 commencing at 9:00 a.m. instead of 12:00 noon.
13. **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 #224-16 Pay all Claims
14. **PRIVILEGE OF THE FLOOR**
15. **AGENDA WORKSHOP ITEMS**
 1. Clothing Bins in Recycling
 2. Ordinance Dealing with Sump Pumps and 2 Hour Sewer System
16. **PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS**
17. **EXECUTIVE SESSION**
18. **ADJOURNMENT.** The next Regular Meeting will be on November 15, 2016.

ORDINANCE NO. 1901-16

AN ORDINANCE TO AMEND CHAPTER 332 SEWERS, ARTICLE I USE, SECTION 332-7 PROHIBITIONS, SECTION 332-9 PROHIBITED WASTES OR WATER AND SECTION 332-14 DEFINITIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

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

CHAPTER 332 ARTICLE I USE

§332-7 PROHIBITIONS.

No roof drainage, cellar drainage, unpolluted industrial process water, surface water, grease, waste from hydrants or groundwater from underground drainage fields shall be admitted or permitted to drain into the sewer system. No cesspool or septic tank shall be allowed to discharge into the sewer system. The sewer system is intended to convey sanitary sewage and industrial wastes only.

§332-9 PROHIBITED WASTES OR WATER.

Except as herein provided, no person shall discharge or cause or allow to be discharged any of the following described waters or wastes to or in any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fats, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood or other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage treatment plant.
- E. Any waters or wastes having a pH lower than 6.0 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures or equipment and personnel of the sewage works.

- F. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard in the receiving waters of the plant.
- G. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- I. Any waste, liquid, solid or other substance, the discharge of which is prohibited by the Middlesex County Utilities Authority or which will not be accepted by the Middlesex County Utilities Authority.
- J. All restaurants, cafeterias, institutional kitchens or other food establishment or facility discharging grease, fats, wax, or oils such that may be detrimental to the sewer system, shall use a grease trap. A garbage grinder shall not be used when a grease trap is required.
- K. The grease trap shall be installed and used in accordance with the requirements set forth in the Plumbing Subcode.
- L. Grease traps utilized by restaurants, cafeterias, institutional kitchens and other facilities shall be inspected annually, in addition to such other reasonable times as are deemed necessary, by any of the following Borough of Middlesex personnel: Construction Officer, Code Enforcement Officer, Supervisor or member of the Department of Public Works, Middlesex' Sewer Operator, and any representative of the Middlesex County Board of Health.
- M. All restaurants, cafeterias, institutional kitchens and other facilities using a grease trap shall provide copies of a certification to the Middlesex Sewer Department, a minimum of three (3) certifications per year, from a service company that the grease traps have been properly installed, are properly maintained and are functioning for their intended purposes.
- N. In addition to the Borough's other remedies, should the Borough or its agents incur costs to clean the sewer laterals or sewer lines in the vicinity of the restaurant, cafeteria, institutional kitchen or other facility due to grease, fats and/or oils, and/or in otherwise responding to a backup caused by such grease, fat and/or oils, whether or not the restaurant, cafeteria, institutional kitchen or other facility has a grease trap, the owner and operator of the offending restaurant, cafeteria, institutional kitchen or other facility, irrespective of its compliance or noncompliance with the requirements of the Plumbing Subcode Official or paragraph d. above, shall be required to reimburse the Borough and its agents for all such costs.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH – The Borough of Middlesex

READILY ACCESSIBLE – It shall be provided by the owner, tenant or occupant of the premises to allow the Borough or its representative to make periodic examination and determination of the volume, character and concentration of the waste being discharged into the sewers or laterals tributary thereto.

GREASE INTERCEPTOR OR INTERCEPTOR – A watertight receptacle utilized by non-single-family generators of liquid waste or intercept, collect and restrict the passage of grease, oil and food particles into the sewer to which the receptacle is directly or indirectly connected and to separate and retain grease and food particles from the wastewater discharged by a facility.

FOOD ESTABLISHMENT OR FACILITY – Any establishment or facility engaged in preparing, processing or serving food for a commercial or institutional purpose, or a not-for-profit organization, in a manner likely to result in the discharge of grease, fats or oils to the sewer system, including but not limited to a restaurant, cafeteria, institutional kitchen or other establishment or facility which a (is involved in the preparation of food by means of cooking (frying, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, poaching, searing, barbecuing or the like) and b) washes skillets, pots, pans, bowls, dishes, plates or other equipment or utensils in water discharged to the sewer system.

GREASE AND OIL – Any material, but particularly biological lipids and mineral hydrocarbons, recovered as a substance soluble in an organic extracting solvent using an appropriate analytical method approved under 40 CFR 136. It also includes other material extracted by the solvent from an acidified sample and not volatilized during the extraction procedure, as defined in federal regulations.

INSPECTOR – The representative of the borough duly authorized to inspect the construction, operation and/or maintenance of a sewer system or any part thereof.

MUNICIPAL SANITARY SEWER OR SANITARY SEWER – The pipe in the street or easement of the borough, used for the conveying of sanitary sewage and industrial wastes for treatment and disposal.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST:

Kathleen Anello, Municipal Clerk

Ronald J. DiMura, Mayor

INTRODUCED: October 25, 2016

DATE PUBLICATION
OF INTRODUCTION:

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION:

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

Resolution #217-16

WHEREAS, on January 1, 2002 Middlesex County (Division of Solid Waste Management) began a new program to partially fund the proper removal of chlorofluorocarbons and other ozone depleting compounds from household appliances; and

WHEREAS, the County began providing partial funding for up to a 3 year period to municipalities for each appliance from which CFCs are properly recovered; and

WHEREAS, in order to continue in this program the Borough must execute an interlocal service agreement with Middlesex County covering the CFC Recovery Reimbursement Program which will commence on January 1, 2017.

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 Mayor and Borough Clerk are hereby authorized to execute the renewal of the Interlocal Service Agreement with Middlesex County covering the CFC Recovery Reimbursement Program.
2. This resolution shall take effect immediately.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
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 #218-16

WHEREAS, Middlesex County has entered into a contract with a paint recycling/disposal vendor to provide for the removal and recycling/disposal of paint and paint related products; and

WHEREAS, the Borough of Middlesex desires to continue to be included in this paint drop-off program; and

WHEREAS, in order to continue with this program it is necessary for the Mayor and Borough to execute the Inter-local Service Agreement with Middlesex County.

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 Mayor and Borough Clerk are hereby authorized to execute the renewal of the Paint Collection Program Inter-local Service Agreement with Middlesex County which will commence on January 1, 2017.
2. This resolution shall take effect immediately.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
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 #219-16

The governing body hereby authorizes the Mayor and Borough Clerk to execute the grant agreement between the County of Middlesex and Middlesex Borough under the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund. This grant is in the amount of \$1,497,227 and is allocated for the improvements and/or development of the Green Acres Recreation Area at Mountain View Park.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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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 #220-16**

The governing body hereby appoints Carmen Modica as Acting Purchasing Agent for the Borough of Middlesex for an annual stipend in the amount of \$7,500 effective immediately.

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
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 #221-16

WHEREAS, the governing body received a proposal from Remington & Vernick Engineers dated August 31, 2016 for the Design, inspection and Construction Administration Services for the Bonnie Brook Terrace Reconstruction; and

WHEREAS, the proposal for this project include:

- | | |
|---------------------------------------|--------------|
| 1. Construction | \$306,590.00 |
| 2. Design | \$ 30,659.00 |
| 3. Inspection/Contract Administration | \$ 45,988.50 |

TOTAL COST	\$383,237.50
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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 August 31, 2016 for the design and inspection (\$30,659)/contract administration services (\$45,988.50) in the total amount of \$76,647.50 for the Bonnie Brook Terrace Reconstruction.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in the amount of \$76,647.50 are available in Account No. C-04-16-893-000-095.

Caroline Benson, Treasurer

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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COMMON COUNCIL OF MIDDLESEX, HELD

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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 #222-16**

Accepting an Assignment of the Tax Sale Certificate of the Estate of Walt C. Ryan on property located on Lincoln Blvd. Block 325 Lot 1

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

ADOPTED _____

MAYOR OF THE BOROUGH OF MIDDLESEX

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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 #223-16**

Modifying the hours for all retail liquor license holders who serve liquor on any licensed premise in the Borough of Middlesex on Sunday, October 23, 2016 commencing at 9:00 a.m. instead of 12:00 noon.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
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 #224-16**

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.

ADOPTED _____

CLERK OF THE BOROUGH OF MIDDLESEX

Council	Aye	Nay	Abstain	Absent
Corley				
Greco				
Kaplan				
Madden				
Mikolajczyk				
Schueler				

MAYOR OF THE BOROUGH OF MIDDLESEX

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CLERK OF THE BOROUGH OF MIDDLESEX, NJ

SENIOR PRINCIPALS

Edward Vernick, PE, CME, President
Craig F. Remington, PLS, PP, Vice President
Michael D. Vena, PE, PR CME (deceased 2006)
Edward J. Walberg, PE, PR CME, CFM
Thomas F. Beach, PE, CME
Richard G. Arango, PE, CME

PRINCIPALS

Kim Wendell Bibbs, PE, CME
Marc DeBlasio, PE, PR CME, CPWM, CEP
Alan Dittenhofer, PE, PR CME
Leonard A. Falola, PE, PR CME
Christopher J. Fazio, PE, CME
Terence Vogt, PE, PR CME
Dennis K. Yoder, PE, PR CME

SENIOR ASSOCIATES

Charles E. Adamson, PLS, AET
John J. Cantwell, PE, PR CME
Richard B. Czekanski, PE, CME, BCEE
Anilina Hogan, PE, RA, CME, CPWM, LEED-AP
Kenneth C. Ressler, PE, CME
Frank J. Seney, Jr., PE, PR CME, INDIS
Gregory J. Sullivan, PE, PR CME, CEA

PLEASE REPLY TO THE NOTED OFFICE

Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033
☐ (856) 795-9595

Remington, Vernick
& Vena Engineers
9 Allen Street
Toms River, NJ 08753
☐ (732) 286-9220

3 Jocasama Boulevard, Suite 300-400
Old Bridge, NJ 08857
☐ (732) 955-8000

Remington, Vernick
& Walberg Engineers
845 North Main Street
Pleasantville, NJ 08232
☐ (609) 645-7110

4907 New Jersey Avenue
Wildwood City, NJ 08260
☐ (609) 522-5150

Melford Plaza I, Suite 400
16701 Melford Boulevard
Bowie, MD 20716
☐ (240) 544-5382

Remington, Vernick
& Beach Engineers
922 Fayette Street
Conshohocken, PA 19428
☐ (610) 940-1050

1000 Church Hill Road, Suite 220
Pittsburgh, PA 15205
☐ (412) 263-2200

Univ. Office Plaza, Bellevue Building
262 Chapman Road, Suite 105
Newark, DE 19702
☐ (302) 266-0212

Remington, Vernick
& Arango Engineers
The Presidential Center, Lincoln Building
Suite 600, 101 Route 130
Cinnaminson, NJ 08077
☐ (856) 303-1246

300 Penhorn Avenue, 3rd Floor
Secaucus, NJ 07094
☐ (201) 624-2137

August 31, 2016

Ronald DiMura, Mayor
Municipal Building
1200 Mountain Avenue
Middlesex, NJ 08846

**Re: Middlesex Borough
Confirming Proposal for Design, Inspection and Construction
Administration Services
Bonnie Brook Terrace Reconstruction
M2016-238**

Dear Mayor DiMura:

Per recent communications, this confirming proposal is provided for design, bid and construction administration services for reconstruction of Bonnie Brook Terrace. As evidenced per recent receipt and award of bidding the 2016 mill and paving program, the bidding environment is favorable at this time due to the recent freezing of State funded construction work by the Governor's office.

It is our intent to complete design and bid documents for Bonnie Brook Terrace reconstruction, advertise and receive bids with the intent to award construction at the October 11, 2016 Council meeting.

Design services will include preparation of construction plans and bid specifications, preparation of Freehold Soil Conservation District (FSCD) Soil Erosion and Sediment Control application, bidding, attendance of the receipt of bids, and recommendation of award to low responsive bidder.

Construction services will include Inspections services during the construction period, as well as contract administration services.

The following are budgetary not-to-exceed costs of this project:

Construction	\$306,590.00
Design (10%)	\$30,659.00
Inspections and	\$45,988.50
Contract Administration (15%)	

Total: \$383,237.50

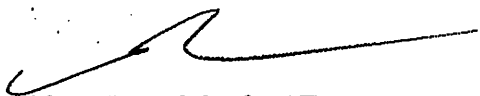
Middlesex Borough
Proposal for Services
Bonnie Brook Terrace Reconstruction
August 31, 2016

Page 2

Please contact me at 732-955-8000 if you have any questions or require further information. Thank you for the opportunity to assist the Borough with this important project.

Sincerely,
REMINGTON, VERNICK & VENA ENGINEERS, INC.

By



Terence Vogt, P.E., P.P., C.M.E.
Principal, Regional Manager

cc: Kathleen Anello, Clerk
Caroline Benson, CFO
Robert Teutsch, DPW Superintendent
Craig Remington

Ronald G. Rios
Freeholder Director

Carol Bellante
Deputy Director

Kenneth Armwood
Charles Kenny
H. James Polos
Charles E. Tomaro
Blanquita B. Valenti
Freeholders



H. James Polos
*Chairperson, Public Safety
and Health Committee*

John A. Pulomena
County Administrator

Joseph W. Krisza
Department Head

Mickey Gross
Division Head

**COUNTY OF MIDDLESEX
DEPARTMENT OF PUBLIC SAFETY AND HEALTH**

Division of Solid Waste Management

October 5, 2016

Mayor Ronald Dobies
Middlesex
Middlesex Municipal Bldg.
1200 Mountain Ave.
Middlesex, NJ 08846

Dear Mayor Dobies:

As you are probably aware, your municipality has previously entered into an interlocal service agreement with Middlesex County providing for your participation in one or more of the County's programs.

Middlesex County will continue to offer your town the opportunity to participate in the Paint and CFC Recovery Programs. To this extent, enclosed are two (2) copies of each interlocal service agreement covering the specific programs. If acceptable, two officially executed documents for each program, where applicable (official signatures, municipal seal and a copy of the ordinance or resolution authorizing the execution of the agreement) must be returned to us so that the Board of Chosen Freeholders may approve and execute same. Thereafter, the Clerk of the Board will return to you a fully executed copy.

It is important that all agreements be returned to the Division of Solid Waste Management, 711 Jersey Avenue, New Brunswick, NJ 08901.

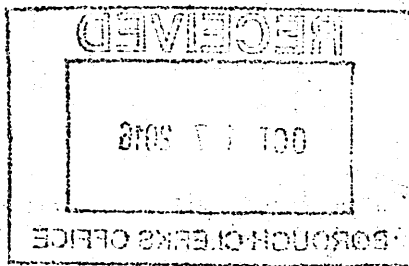
Please contact Fred Stanger or myself if you have any questions regarding these programs.

Thank you.

Sincerely,

Carole Tolmachewich
Principal Planner

cc: Keith Gulliano, Recycling Coordinator
Kathleen Anello, Municipal Clerk



AGREEMENT

THIS AGREEMENT made this ____ day of October 2016 between the COUNTY OF MIDDLESEX, a municipal corporation of the State of New Jersey, having its principal offices at 75 Bayard Street, in the City of New Brunswick, New Jersey (hereinafter known as "COUNTY") and the BOROUGH OF MIDDLESEX, a municipal corporation of the State of New Jersey, having its principal office at 1200 Mountain Avenue, Middlesex, NJ 08846 (hereinafter known as "BOROUGH"),

WITNESSETH:

WHEREAS, the COUNTY by Resolution #96-1478, established Open Space and Farmland Preservation Trust Fund pursuant to N.J.S.A. 40:12-10 et seq. and N.J.S.A. 40:12-16 et seq. and adopted operating procedures therefor; and

WHEREAS, subsequent thereto, the statute governing the aforesaid trust fund was amended, which amendment, inter alia, changed the name of the fund to the Open Space Recreation and Farmland and Historic Preservation Trust Fund (the "Trust Fund") and set forth the permissible use of Trust Fund monies; and

WHEREAS, by resolution 97-1891, the Board established the Trust Fund pursuant to N.J.S.A. 40:12-16 et seq., as amended by P.L. 1997, c.24 (N.J.S.A. 40:12-15.1 et seq.); and

WHEREAS, pursuant to N.J.S.A. 40:12-15.6, the governing body of any County which has established an "Open Space, Recreation and Farmland and Historic Preservation Trust Fund" may, by resolution, distribute monies deposited therein to municipalities within the County to be used for purposes for which the Fund was established; and

WHEREAS, the BOROUGH has submitted a proposal to the COUNTY in connection with the improvement and/or development of Green Acres Recreation Area known as Mountainview Park Improvements – Phase I, which includes: refurbishing of the existing High School Football Field, two soccer fields and amenities in the Borough of Middlesex, as more fully set forth in requests received March 28, 2016 from Borough Mayor, Ronald J. DiMura and September 8, 2016 from Borough Engineers, Remington, Vernick & Vena and a map of Phase I Improvements, attached hereto as Exhibit “A” (“Project”); and

WHEREAS, the COUNTY has evaluated said proposal and finds that it meets the purposes for which monies deposited in the “Open Space, Recreation and Farmland and Historic Preservation Trust Fund” may be utilized; and

WHEREAS, by resolution dated October 6, 2016 (#16- -R), the COUNTY authorized a grant agreement under the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund with the BOROUGH in the amount of One Million, Four Hundred Ninety-Seven, Two Hundred Twenty-Seven and 00/100

Dollars (\$1,497,227.00) for the improvement and/or development of Green Acres Recreation Area, which includes: Refurbishing existing football field, soccer fields, running track, high jump and long jump; Remove and replace existing bleachers to make ADA compliant, concession stand and rest rooms, scoreboard, chain link fence and gates; Install asphalt path; Reconstruct existing parking area and Provide new primary sports field lighting, as noted in Exhibit A;

WHEREAS, the COUNTY and BOROUGH are desirous or effectuating and implementing the terms of said grant agreement;

NOW, THEREFORE, in consideration of the mutual promises and covenants between the parties herein and contained herein, the COUNTY and the BOROUGH hereby agree as follows:

1. The COUNTY shall provide a grant to the BOROUGH in the amount of One Million, Four Hundred Ninety-Seven, Two Hundred Twenty-Seven Dollars and 00/100 Dollars (\$1,497,227.00) to be utilized for the Project set forth above and more fully described in the attached **Exhibit "A"**. It is agreed and understood that the grant shall be used to offset the cost of the Project and for no other purposes.

2. The COUNTY shall make payment to the BOROUGH upon the submission by the BOROUGH of a certified copy of the resolution or ordinance, whichever is appropriate, authorizing the execution of this contract and an executed County voucher for the amount of the Grant. Payment shall be made on a reimbursement basis only, after the BOROUGH has submitted an invoice with supporting documentation on payments made by the BOROUGH for the Project.

Upon completion of the Project, the BOROUGH shall submit a certification from the BOROUGH Authorized Architect/Engineer of the as-built costs thereof to the County Director of Parks and Recreation.

3. The BOROUGH agrees that, in undertaking the Project, it shall comply with the "Local Public Contracts Law" (N.J.S.A. 40A:11-1 et seq.) and the "Prevailing Wage Law" (N.J.S.A. 34:11-56.25 et seq.).

4. The BOROUGH acknowledges that the funds provided by the COUNTY hereunder are to be used for purposes permitted by the "Open Space, Recreation and Farmland and Historic Preservation Trust Fund". Should any of the COUNTY funds be utilized for any other purpose or should the property upon which the Project is situated

cease to be used for open space and/or recreation purposes, then the BOROUGH shall be required to return the full amount of the grant to the COUNTY.

5. The BOROUGH shall notify the COUNTY of the pre-construction meeting and any subsequent constructions meetings for the Project that involve the BOROUGH Authorized Architect/Engineer, municipal staff and the approved contractor; the COUNTY shall have the option of providing a staff member from the Office of Parks and Recreation, or Office of Engineering to attend these meetings;

6. The BOROUGH further agrees that the Project shall be completed within two (2) years from the date that this Agreement is executed by both parties. Should the Project not be completed within two (2) years, or any extension which may be granted by the COUNTY in its sole discretion, then the BOROUGH shall return to the COUNTY that portion of the grant which represents the percentage of the Project which remains unfinished, as determined by the County Director of Parks and Recreation or the County Engineer.

7. The BOROUGH shall ensure that compliance with the Americans With Disabilities Act (hereinafter referred to as the "ADA") is effected in the construction work related to the Project, as well as the BOROUGH'S maintenance of the Project thereafter. Additionally, the BOROUGH agrees to hold the COUNTY harmless from any and all violations of said ADA. The BOROUGH further agrees to make the Project available without regard to race, color, gender, sexual orientation, religion or national origin.

8. The BOROUGH shall defend, indemnify and otherwise save harmless the COUNTY, its agencies, departments, bureaus, boards, officials and employees from any and all claims or actions at law, whether personal injury, property damage or liabilities, including the cost of defense which either arise from acts or omissions, whether negligent or not of the BOROUGH, its employees, officials, contractors,

subcontractors and/or agents in the design, development, planning, construction, operation and/or maintenance of the Project, or which arise from any failure to perform the obligations under this Contract or any improper performance.

9. The BOROUGH acknowledges that the COUNTY's sole obligation hereunder and in connection with the Project is the provision of the aforesaid grant.

10. The parties agree to undertake all necessary actions which are required in order to effectuate the terms of this Agreement, including the adoption of all necessary instruments and the execution of all necessary documents.

11. This Agreement represents the entire Agreement between the parties, and it shall only be modified through a subsequent written amendment approved by the respective governing bodies of both parties.

12. This Agreement shall be interpreted and shall be governed by the laws of the State of New Jersey.

13. This Agreement shall be binding upon the parties and their legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by the proper corporate officers and have their proper corporate seals affixed hereto, the day and year first above written.

ATTEST:

COUNTY OF MIDDLESEX

AMY R. PETROCELLI, Clerk
Board of Chosen Freeholders

RONALD G. RIOS, DIRECTOR
Board of Chosen Freeholders

ATTEST:

BOROUGH OF MIDDLESEX

KATHLEEN ANELLO, Municipal Clerk

RONALD J. DIMURA, Mayor