



Borough of Middlesex
Mayor and Council Special Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Kathleen Anello
732-356-7400 x236
www.middlesexboro-nj.gov

Tuesday, July 17, 2018

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 Ron DiMura
Council Member Kevin Dotey
Council Member Dan Parenti
Council Member Sean Kaplan
Council Member John Madden
Council President Robert Schueler
Council Member Jack Mikolajczyk

Attorney Aravind Aithal -- **Absent**

Also Present:

Brandon Goldberg Administrator

Attorney Archer attended meeting to replace Attorney Aithal.

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1946-18 by title:

ORDINANCE 1946-18

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 407, VEHICLES AND TRAFFIC; ARTICLE VIII, COMMERCIAL VEHICLES,
SECTION 407-22 TRUCKS RESTRICTED**

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

Section 407-22 shall be amended to include the following street:

§ 407-22 Trucks restricted.

All trucks having a combined gross weight of vehicle plus load in excess of four tons are prohibited from traversing the following roadways except for the purpose of making pickups or deliveries along such roadways:

Sherman Avenue

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

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/14/2018 7:00 PM
MOVER:	John Madden, Council Member	
SECONDER:	Robert Schueler, Council President	
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk	

The Borough Clerk read ordinance 1947-18 by title:

ORDINANCE 1947-18

BOND ORDINANCE APPROPRIATING \$1,981,165 AND AUTHORIZING \$1,882,106 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS CAPITAL IMPROVEMENTS 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 \$1,981,165, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$99,059 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 \$1,981,165 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the

principal amount of \$1,882,106 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 \$1,882,106 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 following: (i) acquisition and installation of new software for the Municipal Clerk's office; (ii) acquisition of two inspector vehicles for the Construction Department; (iii) acquisition of various equipment, furniture and vehicles for the Police Department, including without limitation, 4 wheel drive vehicles, stainless steel shop table, dispatch center chairs, batteries of building ups unit, eotech signs, rifle slings, crime fighter beast management system, trailer, impact recovery stop road signs, CED taser with camera, and tool kit bags; (iv) acquisition of portable/mobile light towers and back up camera for Emergency Management; (v) acquisition of various equipment for the Fire Department, including without limitation, bunker gear, truck cap with pullout tray, fit test machine, and SCBA mask and bottles; (vi) acquisition of a variable message board and garbage trucks; (vii) improvement of Runyon Avenue; (viii) acquisition of brush hog attachment for Bob Cat; (ix) improvements of Mountainview Park; (x) acquisition of mower and lift gates for the Parks Department; (xi) acquisition of replacement equipment shed for the Recreation Department; (xii) various improvements to various Borough buildings, including without limitation, fencing for Sally Port, replacement of fire panels, painting and lighting, awnings, and signs; (xiii) cleaning of various streams; (xiv) mill and overlay for various roads in the Borough, including without limitation, curbing, sidewalk and related drainage improvements; and (xv) the acquisition, licensing and installation of various software and other IT for various Borough Departments, including for each of the foregoing 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 \$1,882,106.

(c) The estimated cost of said purposes is \$1,981,165, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor, if necessary, being the amount of the said \$99,059 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 9.88 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 \$1,882,106, 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 \$18,000 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 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 jurisdiction of 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 \$1,882,106. 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.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/14/2018 7:00 PM
MOVER:	Sean Kaplan, Council Member	
SECONDER:	Robert Schueler, Council President	
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

ADOPTION OF MINUTES

1. Approval of the June 26, 2018 Regular & Executive Session Meeting Minutes

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

MAYOR'S REPORT

1. Letter from Bound Brook

Mayor DiMura reported that he had received a letter from Mayor Fazen thanking the Middlesex Fire Department for the manpower and support that they provided to Bound Brook during their funeral for their fire chief.

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Fire/OEM/Rescue Squad

Recreation/Recreation Fields/Swim Pool/Community Celebrations

1. Approval of the June, 2018 Recreation Trust Account & July, 2018 Director's Report

Councilman Dotey reminded everyone that Community Day will be held on July 21, 2018 from 4 PM - 9 PM at Mountain View Park.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

Public Works/Buildings & Grounds/Recycling

Police/Legal/Code Enforcement & Zoning/Shade Tree/Construction/Municipal Court

1. Approval of the Monthly Police Report for June 2018

Councilman Mikolajczyk also reported that the Police Department did an excellent job with their coverage of the funeral that was held today.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Mikolajczyk, Council Member
SECONDER:	Sean Kaplan, Council Member
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

Administration/Department of Senior Services/Legislation/Licensing

PRIVILEGE OF THE FLOOR

Dave Polakiewicz, 240 Hazelwood Avenue questioned (1) Hazelwood Avenue road improvements, (2) Status of Rescue Squad; (3) Finalization of the Memorandum of Agreements for the DPW and White Collar and increase percentages; (4) Status of OLMV Lease; (5) Remington & Vernick billing in November/December for OLMV; and (6) Renewal of Direct Development Contract as this firm is a political contributor. Mayor DiMura addressed Mr Polakiewicz and indicated that the Hazelwood Avenue road improvements grant application was not approved, the Rescue Squad was to be discussed in closed session, and he would check on the DPW and White Collar MOA and percentage increases. The mayor indicated that nothing has changed on the OLMV Lease and Attorney Archer indicated that with regard to the billing for Remington & Vernick this discussion was not on the meeting agenda and Mayor DiMura indicated that he would like to speak with Mr. Aithal first before discussing this matter. Councilman Kaplan suggested that with regard to the renewal of the Direct Development Contract, he recommended that we reach out to other vendors, the league and other municipalities for other companies. Mayor DiMura suggested that this be discussed in the Agenda Workshop.

Rich Rutkowski, 211 Maple Street (1) Agreed removing the Direct Development Contract from the Agenda; (2) Why OLMV Contract could not be discussed, as it has expired July 1; (3) Requested copies of the Police Department, White Collar and DPW Contract through an OPRA; and (4) Status of the filming of the governing body meetings. Attorney Archer indicated that he was filling in as Borough Attorney and was not familiar with the OLMV Contract, the Borough Clerk would provide the information he had requested in his OPRA and the Mayor stated that the filming of the meetings should begin by January 1, 2019.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 171-2018

APPROVING A CONTRACT WITH DIRECT DEVELOPMENT FOR MUNICIPAL MARKETING/PR/DESIGN SERVICES MAY, 2018 - APRIL, 2019 - *Item Removed from Consent*

The Governing Body hereby approves a contract with Direct Development, Tinton Falls, New Jersey for Municipal Marketing/PR/Design Services from May, 2018 - April, 2019 in the amount of \$2,500 per month.

RESULT:	TABLED BY CONSENT VOTE [UNANIMOUS]	Next: 8/14/2018 7:00 PM
MOVER:	John Madden, Council Member	
SECONDER:	Sean Kaplan, Robert Schueler	
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk	

The Borough Clerk read the following resolution:

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

RESOLUTION 172-2018

AWARDING THE BID FOR THE RUNYON AVENUE IMPROVEMENT PROJECT TO TOP LINE CONSTRUCTION CORP. IN THE AMOUNT OF \$209,262.35 - *Item Removed from Consent*

WHEREAS, four (4) bids were received on June 27, 2018, for the 2017 NJDOT Runyon Avenue Improvements; and

WHEREAS, the following bids listed below were received for this project:

- 1) Top Line Construction Corp. Base Bid: \$209,262.35
Somerville, NJ
- 2) S Brothers, Inc. Base Bid: \$212,236.15
South River
- 3) Lucas Construction Group Base Bid: \$214,214.00
Red Bank, NJ
- 4) Black Rock Enterprises, LLC Base Bid: \$247,182.23
Englishtown, NJ

WHEREAS, the Borough Engineer, Remington & Vernick Engineers, recommends awarding the bid to Top Line Construction Corp. in the total bid amount of \$202,262.35 contingent upon the Borough Attorney's review and availability of funds for this project.

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

1. At the recommendation of the Borough Engineer, the Mayor and governing body hereby awards the bid for the 2017 NJDOT Runyon Avenue Improvements to Top Line Construction Corp. in the amount of \$209,262.35 contingent upon the Borough Attorney's review and availability of funds for this project.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the 2018 in the Capital Budget.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kevin Dotey, John Madden
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 173-2018

TEMPORARY CLOSING OF BAEKELAND AVENUE

WHEREAS, on March 12, 2018 the Borough of Middlesex (the "Borough") submitted a Certification Report (the "Report"), prepared by Gerard C. Kroner, P.E., of Mott MacDonald, LLC, consulting engineers for the County of Middlesex, to the New Jersey Department of Transportation Bureau of Traffic Engineering; and

WHEREAS, said Report stated that it would be necessary to temporarily close a portion of Baekeland Avenue, a municipal street in the Borough of Middlesex and Township of Piscataway, for the purpose of replacement of Middlesex County Bridge 2- B-160 over Ambrose Brook; and

WHEREAS, the Borough, pursuant to N.J.A.C. § 16-27-4, submitted the Report to the New Jersey Department of Transportation Bureau of Traffic Engineering seeking approval to close a non-State highway for a duration of more than 48 hours; and

WHEREAS, pursuant to a letter dated May 2, 2018, the New Jersey Department of Transportation Bureau of Traffic Engineering conducted a field investigation and a review of the submitted documentation and recommended approval of the Borough request to temporarily close Baekeland Avenue, between Cedar Avenue and Clawson Street, in the Borough of Middlesex; and

WHEREAS, pursuant to N.J.S.A. § 39:4-8(c)(6), approval by the Commissioner of Transportation is required to close a non-State highway for a period of more than 48 hours; and

WHEREAS, the Borough recommends the temporary closing of Baekeland Avenue, between Cedar Avenue and Clawson Street, to begin on September 1, 2018, for a period of ten (10) months, or until such time as construction has been completed, for the replacement of Middlesex County Bridge 2-B-160 over Ambrose Brook, and that the detour route during the proposed closing will utilize a portion of Lincoln Boulevard (CR 607), Cedar Avenue, and River Road (CR 622), within the Borough of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Middlesex that the Borough of Middlesex hereby authorizes the temporary closing of Baekeland Avenue, between Cedar Avenue and Clawson Street; to begin on September 1, 2018, for a period of ten (10) months, or until such time as construction has been completed, for the replacement of Middlesex County Bridge 2-B-160 over Ambrose Brook, and that the detour route for traffic shall be along a portion of Lincoln Boulevard (CR607), Cedar Avenue, and River Road (CR622), within the Borough of Middlesex.

The Borough Clerk read the following resolution:

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

RESOLUTION 174-2018

**GRADE ADVANCEMENT FOR PATROLMAN ANTHONY PAINCHAUD TO PATROLMAN
CLASS "E" EFFECTIVE JULY 20, 2018**

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

WHEREAS, On July 2, 2018 Chief Geist recommended Police Officer Anthony Painchaud 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 Anthony Painchaud be and is hereby advanced in grade to Patrolman Class "E" effective July 20, 2018 at an annual salary of \$72,155.

The Borough Clerk read the following resolution:

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

RESOLUTION 175-2018

**GRADE ADVANCEMENT OF PATROLMAN SEAN FLANAGAN TO PATROLMAN
CLASS "B" EFFECTIVE JULY 10, 2018**

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

WHEREAS, On July 2, 2018 Chief Geist recommended Police Officer Sean Flanagan 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 Sean Flanagan be and is hereby advanced in grade to Patrolman Class "B" effective July 10, 2018 at an annual salary of \$99,878.

The Borough Clerk read the following resolution:

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

RESOLUTION 176-2018

**REDEEMING TAX SALE CERTIFICATE #16-00054 IN THE AMOUNT OF \$10,242.52 FOR
BLOCK 283, LOT 6**

The Tax Collector is hereby authorized to issue a check in the amount of \$10,242.52 to redeem Tax Sale Certificate #16-00054, Block 283 Lot 6, 711 Drake Avenue. Check is made payable to:

Green Knight Capital, LLC
474 Mary Allen Way
Mountainside, NJ 07092

The Borough Clerk read the following resolution:

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

RESOLUTION 177-2018

**INCREASING THE HOURLY RATE FOR SENIOR BUS DRIVERS RETROACTIVE TO
JUNE 26, 2018**

The governing body hereby authorizes the following Senior Bus Driver's hourly rate to increase to \$18.00 per hour effective June 26, 2018:

1. Phil Lore
2. Laura Meixner
3. Gregg Steffen
4. Sheila Sullivan

The Borough Clerk read the following resolution:

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

RESOLUTION 178-2018

**AWARDING BID TO NORTH AMERICAN PIPELINE SERVICES, LLC FOR THE
REHABILITATION OF SANITARY SEWER SYSTEM IN THE AMOUNT OF \$952,580.08 -
*Item Removed from Consent***

WHEREAS, two (2) bids were received on July 12, 2018, for the Rehabilitation of Sanitary Sewer system; and

WHEREAS, the following bids listed below were received for this project:

- 1) National Water Main Cleaning Co. Base Bid: \$988,077.50
Kearny, NJ
- 2) North American Pipeline Services, LLC Base Bid: \$952,580.08
South River

WHEREAS, the Borough Engineer, Remington & Vernick Engineers, recommends awarding the bid to North American Pipeline Services, LLC in the total bid amount of \$952,580.08 contingent upon the Borough Attorney's review and availability of funds for this project.

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

1. At the recommendation of the Borough Engineer, the Mayor and governing body hereby awards the bid for the Rehabilitation of Sanitary Sewer system to North American Pipeline Services, LLC in the amount of \$952,580.08 contingent upon the Borough Attorney's review and availability of funds for this project.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies funds are available in the 2018 in the Capital Budget.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Dan Parenti, Council Member
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

NON- CONSENT AGENDA/RESOLUTIONS

The Borough Clerk read the following resolution:

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

RESOLUTION 179-2018

**RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-RECOURSE
REDEVELOPMENT AREA BOND (LINCOLN BOULEVARD PROJECT) OF THE
BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY IN AN
AGGREGATE PRINCIPAL AMOUNT OF \$30,000**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**" or the "**Act**"), and that certain redevelopment plan adopted by ordinance of the Council (the "**Borough Council**") of the Borough of Middlesex, a public body corporate and politic of the State of New Jersey (the "**Borough**") on September 18, 2007, as amended through December 13, 2016 (as the same may be further amended from time to time, the "**Redevelopment Plan**"), the Borough and Midmarket Urban Renewal, LLC (the "**Redeveloper**") entered into that certain Redevelopment Agreement in May 2018 (as the same may be amended from time to time, the "**Redevelopment Agreement**") with respect to the property known as Block 349, Lot 10 on the Borough's tax map (the "**Project Area**") and designated by resolution of the Borough Council as an "area in need of redevelopment" in accordance with the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper will construct, on the Project Area, a project consisting of a retail food market along with supporting parking and related improvements (collectively, the "**Project**"); and

WHEREAS, the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "**Long Term Tax Exemption Law**") authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper; and

WHEREAS, on May 29, 2018, the Borough Council adopted Ordinance No. 1941-18, (the “**Financial Agreement Ordinance**”), approving the Redeveloper’s application for tax exemption in connection with the Project pursuant to the Long Term Tax Exemption Law, in exchange for which the Redeveloper agreed to make payments to the Borough of an annual service charge in lieu of taxes; and

WHEREAS, pursuant to the Financial Agreement Ordinance, on June 27, 2018, the Borough and the Redeveloper entered into that certain Financial Agreement (the “**Financial Agreement**”) pursuant to which the Redeveloper will make the above-described payments to the Borough, known as an “annual service charge” in the amounts and at the times set forth in the Financial Agreement (the “**Annual Service Charge**”); and

WHEREAS, pursuant to the Redevelopment Area Bond Financing Law, *N.J.S.A. 40A:12A-64 et seq.* (the “**RAB Law**”), a municipality may issue bonds to finance redevelopment projects pursuant to a redevelopment plan within an area in need of redevelopment, which bonds may be secured by an annual service charge; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-29(a)(3)* and *N.J.S.A. 40A:12A-67(g)*, the Borough Council authorized by resolution the application (the “**Application**”) to the Local Finance Board for the Borough’s issuance of a \$30,000 Non-Recourse Redevelopment Area Bond in support of the Project; and

WHEREAS, on July 11, 2018, the Local Finance Board met, reviewed and approved the Application; and

WHEREAS, as an inducement to the Redeveloper to construct the Project, and in furtherance of the purposes of the Act and the RAB Law, the Borough intends to issue a Non-Recourse Redevelopment Area Bond (Lincoln Boulevard Project), in the principal amount of \$30,000, in one series (the “**Bond**”), which Bond shall be secured by a pledge of the Annual Service Charge in the amount of \$1,000 per year for each year in which the Annual Service Charge is paid in full; and

WHEREAS, the Bond is hereby authorized to be issued and executed and secured by a pledge of the Annual Service Charge for the payment of the principal of the Bond.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AS FOLLOWS:

Section 1. Determination to Issue. To accomplish the purposes and objectives of the Redevelopment Law and the RAB Law, the Borough hereby determines to finance a portion of the costs associated with the Project. In order to finance the Project as set forth herein, the Bond is hereby authorized to be issued in the principal amount of \$30,000. The Bond will fund certain sidewalk, curbing and other improvements in the public right of way. The Bond shall be issued in one series, shall be dated its date of delivery, shall not bear interest and shall be payable as to principal as set forth therein. The Bond shall be issued in the form, shall mature and shall have such other details and provisions as are set forth in the form of the Bond attached hereto as Exhibit A.

Section 2. Bond Constitutes a Special, Limited Obligation. The Bond shall be a special, limited obligation of the Borough, payable solely out of the Annual Service Charge, and all such Annual Service Charge is hereby irrevocably pledged to the payment of the Bond. The payment of the principal of the Bond shall be secured by the pledge of the Annual Service Charge and certain rights of the Borough as provided in the Financial Agreement. Neither the members of the Borough Council nor any person executing the Bond issued pursuant to this Resolution, the Redevelopment Law and the RAB Law shall be liable personally for the Bond by reason of the issuance thereof. The Bond shall not be in any way a debt or liability of the Borough other than to the limited extent set forth herein. **NEITHER THE FULL FAITH AND CREDIT NOR TAXING POWER OF THE BOROUGH IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF THE BOND.**

Section 3. Authorization and Execution of Bond. (a) The Bond shall mature not more than 30 years from the date of its issuance and, in any event, not prior to the termination of the Financial Agreement and shall be issued in an aggregate principal amount of \$30,000. The Bond shall not bear interest. A certificate evidencing the terms of the sale of the Bond to the purchaser (the "**Purchaser**") shall be executed by the Chief Financial Officer (the "**Award Certificate**"). The Bond shall be sold as a direct private purchase to the Redeveloper or an affiliate of the Redeveloper.

(b) The Mayor, Borough Clerk and Chief Financial Officer (each an "**Authorized Officer**") are each hereby authorized to execute and deliver the Bond on behalf of the Borough. The Bond shall be executed by the Mayor, the Chief Financial Officer and the Clerk of the Borough and shall be issued in the form of one physical certificate registered in the name of the Purchaser.

Section 4. Delivery of the Bond. Following execution of the Bond, each Authorized Officer is each hereby authorized to deliver the Bond to the Purchaser against receipt of the purchase price or unpaid balance thereof (the "**Closing**"). At the Closing, the Borough shall distribute the net proceeds from the sale and issuance of the Bond to the Redeveloper for the Project.

Section 5. Conditions Precedent to Issuance of the Bonds. The obligations of the Borough and the Purchaser to consummate the transactions contemplated hereby are subject to (i) the execution and delivery of the Bond, Financial Agreement, Redevelopment Agreement and instruments executed in connection herewith or therewith, and all amendments and modifications thereto, which shall be in full force and effect on and as of the date of issuance of the Bond and shall be in form and substance satisfactory to the Borough and Purchaser and no default or event of default (however denominated) shall exist under any such documents and (ii) such financing statements, legal opinions, certificates and other documents as the Purchaser and Bond Counsel to the Borough may reasonably deem necessary to evidence compliance by the Borough and the Purchaser with the Bond, Financial Agreement and Redevelopment Agreement.

Section 6. Transfer of Bond. The Bond may only be transferred to (a) an affiliate of the Purchaser, (b) a trust or custodial arrangement established by the Purchaser or one of its affiliates, the owners of the beneficial interests in which are limited to qualified institutional buyers, as defined in Rule 144A promulgated under the Securities Act of 1933, as amended (the "1933 Act"), or (c) to a Person that is a qualified institutional buyer and a commercial bank having capital and surplus of \$5,000,000,000 or more; each of which has

executed and delivered to the Borough an Investor Letter in the form of Exhibit B attached hereto.

Section 7. Limitations of Liability of Borough. The Borough shall not incur any responsibility in respect of the Bond other than in connection with the duties or obligations explicitly set forth herein, in the Bond and the Financial Agreement. No provision of this Resolution, the Bond, the Financial Agreement or any agreement, document, instrument or certificate executed, delivered or approved in connection with the issuance, sale, delivery or administration of the Bond shall require the Borough to expend or risk its own general funds, the obligations and liabilities of the Borough hereunder being payable solely from the Annual Service Charge.

In the event of any default by the Borough hereunder, the liability of the Borough to the any person who shall be the registered owner of the Bond (the “**Bondholder**”) shall be enforceable only against the Annual Service Charge that may be made available for such purposes under the RAB Law, and there shall be no other recourse for damages by the Bondholder against the Borough, its officers, members, agents and employees, or any of the property now or hereafter owned by it or them.

Section 8. The Borough covenants to take such action as the Bondholder shall reasonably request, in order that the Bondholder may realize the benefits of the right to receive the Annual Service Charge; such actions may include, but shall not be limited to, conducting an in rem tax foreclosure action in accordance with the provisions of *N.J.S.A. 54:5-1 et seq.*

Upon the happening and continuance of any Default under the Financial Agreement beyond applicable cure periods and upon receipt of the written request of the Bondholder, the Borough shall proceed to protect and enforce its rights and the rights of the Bondholder under the laws of the State and the terms of the Financial Agreement, by such suits, actions or special proceedings in equity or at law, including, without limitation, directing the Borough to commence an *in rem* tax foreclosure pursuant to the Financial Agreement or mandamus, or by proceedings in the office of any board or office having jurisdiction, either for the specific performance of any covenant, condition or agreement contained in the Bond or the Financial Agreement or for the enforcement of any proper legal or equitable remedy.

If the Bondholder shall have proceeded to enforce the rights of the Bondholder under the Bond and Financial Agreement and such proceedings shall have been discontinued or abandoned for any reason or shall have been determined adversely to the Bondholder, then the Bondholder shall be restored to its position and rights hereunder, and all rights, remedies and powers of the Bondholder shall continue as though no such proceedings had taken place.

Section 9. Incidental Action. Each Authorized Officer is hereby authorized to execute and deliver such other papers, instruments, certificates, opinions, affidavits and documents and to take such other action as may be necessary or appropriate in order to carry out the purpose of this Resolution, including effectuating the execution and delivery of any closing certificates required in connection with the issuance of the Bond, and the issuance and sale of the Bond, all in accordance with the foregoing sections hereof.

Section 10. Independent Determination by Purchaser. The Bond authorized herein is being issued to the Purchaser with the understanding that it is being held for the Purchaser's own account and that the Purchaser has made its own independent investigation and judgment about the credit and security for the payment of such Bond. Any sale or assignment by the Purchaser of such Bond shall be on the same terms and conditions as set forth herein. The Borough will act as the paying agent for the Bond. Pursuant to the terms of the Financial Agreement, the Borough will collect the Annual Service Charge in quarterly installments on February 1, May 1, August 1 and November 1 and, on each date and upon receipt of each such quarterly installment, will deposit one-fourth of the debt secured by the Bond into a separate trust account for the benefit of the Purchaser or subsequent Bondholder, as the case may be. The Borough shall make payment to the Purchaser, or subsequent Bondholder, as the case may be, of the principal amount of the Bond due, out of the Annual Service Charge. In the event of a Payment Default resulting from the failure of the Entity (as defined in the Financial Agreement) to pay the Annual Service Charge payment then due and owing, the Borough will determine the amount of the Annual Service Charge shortfall and shall deposit a pro rata amount of the quarterly Annual Service Charge into the trust account for the benefit of the Purchaser, or subsequent Bondholder, as the case may be; subject to payment of the County Share and Borough Share (as such terms are defined in the Financial Agreement).

Section 11. Construction. In case any one of more of the provisions of this Resolution, or the Bond issued hereunder shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution and the Bond shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 12. Effective Date. This Resolution shall take effect immediately upon adoption.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Robert Schueler, Council President
SECONDER:	Sean Kaplan, Council Member
AYES:	Dotey, Parenti, Kaplan, Schueler, Mikolajczyk
RECUSED:	Madden

The Borough Clerk read the following resolution:

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

RESOLUTION 180-2018

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:	Sean Kaplan, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 181-2018

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

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

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

1. Hiring of Prospective DPW Part Time Employees.
2. Addendum to Contract for Police Chief
3. Creating of a New Position for the DPW
4. Emergency Medical Dispatch Outsourcing Contract

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sean Kaplan, Council Member
SECONDER:	John Madden, Council Member
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

AGENDA WORKSHOP ITEMS

1. Streetscape Requirements in the Lincoln Boulevard Redevelopment Area for Non-Redevelopment Projects

A consensus of council was taken to approve a resolution at the August 14, 2018 Regular Meeting to have the Planning Board work with the planner to make a change to the Redevelopment Plan which would waive portions of the streetscape requirements, on a case by case basis, to encourage continued uniform improvement of the area, and not to make it impractical or expensive for property owners to improve their sites.

2. Marketing - Public Relations Services

Attorney Archer stated that this matter was not on the Agenda this evening and indicated that it not be discussed. Mayor DiMura directed the Council President to reach out to members of the Council to see what they wanted to do regarding the marketing - public relation services contract and advise the Administrator. Attorney Archer will advise council if the Council President can reach out to each member to move forward and advise the Administrator if this matter can be handled this way by the Council President.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

1. Hiring of Prospective DPW Part Time Employees
2. Addendum to Contract for Police Chief
3. Creating of a New Position for the DPW
4. Emergency Medical Dispatch Outsourcing Contract

The Borough Clerk read the following resolution:

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

RESOLUTION 182-2018

HIRING BRIAN DONOHUE, JACOB WRIGHT AND DOMINICK DELVECCHIO AS PART TIME LABORERS IN THE DPW EFFECTIVE JULY 23, 2018

The governing body hereby hires Brian Donohue and Jacob Wright, Middlesex and Dominick DelVecchio, Bound Brook as part time DPW Laborers effective July 23, 2018 at \$12.00 per hour, 28 hours per week, pending a satisfactory physical and background check.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Parenti, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 183-2018

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE ADDENDUM TO THE POLICE CHIEF'S CONTRACT RETROACTIVE TO JANUARY 1, 2018

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Addendum to the Police Chief's Contract retroactive to January 1, 2018.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sean Kaplan, Council Member
SECONDER:	Robert Schueler, Council President
AYES:	Dotey, Parenti, Kaplan, Madden, Schueler, Mikolajczyk

ADJOURNMENT

The next Regular Meeting is August 14, 2018

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk