



Borough of Middlesex

1200 Mountain Ave
Middlesex, NJ

Mayor and Council Regular Meeting

~ Minutes ~

Gretchen McCarthy
www.middlesexboro-nj.gov

Tuesday, October 22, 2019

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 President John Madden
Council Member Douglas Rex
Council Member Jason Carr
Council Member Dan Parenti
Council Member Kevin Dotey
Council Member Jack Mikolajczyk

Also Present:

Marcia Karrow Administrator
Christopher Corsini Borough Attorney

Others Absent:

PRESENTATIONS

APPOINTMENTS

PROCLAMATIONS

The Borough Clerk proclaimed October, 2019 as Domestic Violence Awareness Month.

1. October, 2019 - Domestic Violence Awareness Month

WHEREAS, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of

this crime being wide-ranging; and

WHEREAS, Women Aware, Inc. agency along with The Middlesex/Dunellen Domestic Violence Response Team has offered unparalleled services to women, children and men who have been victimized by domestic violence;

NOW, THEREFORE BE IT RESOLVED, that in recognition of the important work being done by Women Aware, Inc. & The Middlesex/Dunellen Domestic Violence Response Team, I, Ronald DiMura, Mayor of Middlesex Borough, do hereby proclaim the month of October 2019 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by Women Aware, Inc., and to work toward the elimination of personal and institutional violence against women, children, and men.

Given Under My Hand And The Seal Of The Borough Of Middlesex, New Jersey, This 22nd Day Of October, 2019.

ORDINANCE(S) FOR INTRODUCTION

The Borough Clerk read ordinance 1981-19 by title:

ORDINANCE 1981-19

AN ORDINANCE AMENDING CHAPTER 395 (TREES), ARTICLE I SHADE TREES, SECTION 395-8 VIOLATIONS AND PENALTIES OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX

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

Section 395-8 Violations and Penalties is amended to read as follows:

Any person who is guilty of a violation of any of the provisions of these regulations shall, upon conviction by the Magistrate, be fined a sum not to exceed \$1,000, plus the cost of the replacement of a new tree, for each offense. The funds collected for violations and penalties shall be put in the Tree Replacement Fund, which is a separate fund with the dedicated purpose of tree replacement within the Borough of Middlesex. This section shall be enforced by the Middlesex Borough Department of Code Enforcement or the designee thereof.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body does hereby amend Chapter 395, Trees, Article I Shade Trees, Section 395-8 to read as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

This ordinance was introduced as amended.

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/26/2019 7:00 PM
MOVER:	Kevin Dotey, Council Member	
SECONDER:	Jack Mikolajczyk, Council Member	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

The Borough Clerk read ordinance 1982-19 by title:

ORDINANCE 1982-19

**AN ORDINANCE AMENDING CHAPTERS 68 (OFFICERS AND EMPLOYEES),
CHAPTER 93 (RECREATION COMMITTEE), AND CHAPTER 301 (PARKS AND
RECREATION AREAS) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX
SO AS TO UPDATE AND CLARIFY CERTAIN PROVISIONS RELATED TO THERETO**

WHEREAS, the Middlesex Borough Department of Recreation has recently undertaken a revision of its policy guide; and

WHEREAS, the Mayor and Council concur with these revisions and seek to update certain sections of the code of the Borough of Middlesex to more accurately reflect the approved policies of the Department of Recreation; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that Chapters 68, 93, and 301 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, is hereby amended as follows:

SECTION I.

Section 68-30 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

There is hereby established a full-time position of Director of Recreational Activities in the Borough of Middlesex.

SECTION II.

Section 68-31 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

~~Said Director of Recreational Activities shall be hired in accordance with Ordinance No. 255, known as the "Personal Ordinance of the Borough of Middlesex."~~ The Director of Recreational Activities shall work under and be directly responsible to the Board of Recreational Commissioners and shall perform such duties as planning, promoting, organizing and administering a comprehensive recreation program for the entire community on a year-round basis and do related work as from time to time may be determined by the ~~Board of Recreation Commissioners and~~ the Mayor and Council. Said Director shall exercise judgment and ingenuity in the direction of the recreational programs and in interpreting the needs and desires of the public and shall cooperate with interested private organizations and groups in planning and developing recreational activities.

SECTION III.

Section 68-32 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The Director of Recreational Activities shall have education and/or other training and experience to meet one of the following requirements:

(1) Graduation from a recognized college or university with specialization in recreation and one year of paid supervisory experience in professional recreation work in the planning, promoting, organizing and/or administration of a comprehensive service for an entire community.

(2) Graduation from a recognized college or university with specialization in a field related to recreation, such as group work, sociology or physical education and two years of paid supervisory experience in professional recreation work in the planning, promoting, organizing and/or administration of a comprehensive recreation service for an entire community.

(3) Graduation from a recognized college or university and three years of paid supervisory experience in professional recreation work in the planning, promoting, organizing and/or administration of a comprehensive recreation service for an entire community.

(4) Six or more years of successful administrative and supervisory recreation experience in the planning, promoting, organizing and/or administration of a comprehensive recreation program.

SECTION IV.

Section 68-33 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The Director of Recreational Activities shall be required either to possess a certificate as Recreation Administrator issued by the New Jersey State Board of Recreation Examiners or must obtain said certificate within two years after assuming the duties of said position.

SECTION V.

Section 68-34 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The Director of Recreational Activities shall be in good health and free from disabling physical or mental defects which would impair the proper performance of the required duties.

SECTION VI.

Section 93-7 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The ~~Recreation Director~~ **Director of Recreation** appointed by the Mayor shall serve as a voting member of the Parks and Recreation Committee.

SECTION VII.

Section 68-33(a) hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The ~~Recreation Director~~ **Director of Recreation** appointed by the Mayor shall serve as a voting member of the Parks and Recreation Committee.

SECTION VIII.

Section 93-1 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

There is hereby established in the Borough of Middlesex a ~~Parks and Recreation~~ Committee, which shall have the duties and powers hereinafter more particularly set forth, and the members of which shall be appointed by the Mayor with the advice and consent of Council in accordance with the provisions of this chapter.

SECTION IX.

Section 93-2 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The ~~Parks and Recreation~~ Committee shall be composed of seven members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. Such members and alternate members shall be appointed by the Mayor to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner; two members for initial one-year terms; two members for initial two-year terms; three members for initial three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term. After the conclusion of the initial terms as herein provided, all terms shall be for three years. The Mayor shall designate the alternate members as "Alternate No. 1", and Alternate No. 2." At meetings of the ~~Parks and Recreation~~ Committee, alternate members shall be permitted to participate in discussion of the proceedings, but shall not be permitted to vote except in the absence or disqualification of one or more regular members, in which event alternate members shall be permitted to vote in lieu of such absent or disqualified regular members in the order of numerical designation of such members.

B. In addition to the aforementioned members, the Mayor shall appoint a member of the Borough Council to serve as a liaison to the Recreation Committee each year, who shall be permitted to participate in discussions of the proceedings of the Committee, but who shall not be permitted to vote. Such members of the Borough Council shall serve a one-year term.

C. All appointments shall expire on December 31. Initial appointments, as above provided, shall be made for the balance of the one-, two- or three-year term designated, ending on December 31 of the applicable year.

D. Vacancies shall be filled by the Mayor for the unexpired term only. The members shall serve until their respective successors are appointed, found qualified, and take office.

SECTION X.

Section 93-3 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The Borough Council shall cooperate with the Recreation Committee to coordinate and provide equipment for recreational activities, as well as to coordinate the development, operation and maintenance of parks, public places, playgrounds, and recreational areas, in the Borough of Middlesex, in order to provide for the maximum benefit and planned development for the residents of the Borough of Middlesex.

B. The Borough Council may, from time to time, by resolution, place activities, parks, public places, playgrounds and recreational areas under the jurisdiction of the ~~Parks and~~ Recreation Committee for development, operation or maintenance thereof, or for such purposes as may be specified in any such resolution. The Borough shall continue to be responsible for the care, custody and policing of any such parks, public places, playgrounds and recreational areas, which, from time to time, may be placed under the jurisdiction of the ~~Parks and~~ Recreation Committee, unless such responsibilities or any others shall be specifically assigned in any such resolution.

C. The Parks and Recreation Committee herein established shall not be deemed to be a park or recreation commission pursuant to N.J.S.A. 40:12-1 et seq., but such ~~Parks and~~ Recreation Committee shall have only those powers and duties as may be set forth herein or as may be more particularly provided by resolution of the Borough Council.

D. There shall be no appropriation of public funds to the ~~Parks and~~ Recreation Committee, except as may be provided by the Borough Council for designated purposes consistent with the intent of this chapter. The ~~Parks and~~ Recreation Committee shall recommend to the Borough Council proposals, from time to time, as may be consistent herewith.

E. The Borough shall obtain liability insurance coverage covering the approved activities under the jurisdiction of the ~~Parks and~~ Recreation Committee, the participants in those activities, the Borough of Middlesex and individual members of the ~~Parks and~~ Recreation Committee.

F. Neither the ~~Parks and~~ Recreation Committee nor any member or members thereof shall have any power or right, express or implied, to bind or obligate the Borough of Middlesex or the Borough Committee, directly or indirectly.

SECTION XI.

Section 93-4 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The primary purpose of the ~~Parks and~~ Recreation Committee shall be to:

A. Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.

B. Provide recommendations for the orderly development of parks or other public lands in the Borough of Middlesex.

C. Cooperate with the Middlesex County Department of ~~Parks and Recreation~~ in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County ~~Department of Parks and Recreation~~ Recreation Department.

D. Suggest improvements needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.

E. Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.

F. Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the ~~Parks and Recreation~~ Committee and the provisions of this chapter and subject to the limitations contained herein.

SECTION XII.

Section 93-5 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The ~~Parks and Recreation~~ Committee shall not act in any manner which would cause a forfeiture of any lands of the Borough of Middlesex. The Borough reserves the right to limit the jurisdiction, purposes or programs of the Parks and Recreation Committee at any time by resolution of the Borough Council.

SECTION XIII.

Section 93-6 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The ~~Parks and Recreation~~ Committee may organize as it sees fit, choosing a Chairperson and such other officers from among its members as it may deem advisable, adopt rules and bylaws for the orderly conduct of meetings, and organize subcommittees for the administration and handling of its programs.

B. Members shall attend one-half of all public meetings in each calendar year and shall not be absent from three consecutive regularly scheduled meetings. The Committee shall petition the Borough Council for removal and replacement of any member with attendance below this standard.

SECTION XIV.

Section 93-7 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The ~~Recreation Director~~ **Director of Recreation** appointed by the Mayor shall serve as a voting member of the Parks and Recreation Committee.

SECTION XV.

Section 93-8 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. Any recognized recreational group which feels or believes it is aggrieved by any of the actions of the ~~Recreation Director~~ **Director of Recreation** shall have the right to appeal any of the ~~Recreation Director's~~ **Director of Recreation's** actions and/or recommendations in the first instance to the Borough Administrator. Said appeal shall be filed not later than 10 days from the date of any action or recommendation taken by the ~~Recreation Director~~ **Director of Recreation's** and shall be in writing to the Borough Administrator.

B. The Borough Administrator shall thereafter set the matter down for a hearing and consider the testimony of witnesses and other evidence to be presented and at the conclusion of which the Borough Administrator shall render a decision as soon as is practicable.

C. Any party may appeal in the final instance the decision of the Borough Administrator to the Borough Council, within five days of the Borough Administrator's decision in writing to the Borough Clerk.

SECTION XVI.

Section 301-1 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

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

ANIMALS Includes cats, dogs, horses, any fowl or birds, any living creatures within the jurisdiction of the park.

~~COMMISSION The Middlesex Borough Recreation Commission or its authorized representatives.~~

~~DIRECTOR The Chairman of the Middlesex Borough Recreation Commission or his designated representative.~~

MIDDLESEX BOROUGH PARKS or PARKS SYSTEM All the real property situated in Middlesex Borough or adjacent to the Borough acquired by or under the jurisdiction and care of the Middlesex Borough ~~Recreation Commission~~ or which may be hereafter acquired by it or come under its jurisdiction.

MUNICIPALITY or BOROUGH That area of Middlesex County, New Jersey, where, respectively, lay the lands designated as municipal or Borough parks, **or any agent thereof so designated by ordinance or resolution.**

PARK POLICE OR OFFICER Any person employed by ~~the Commission~~ **Middlesex Borough** as a Middlesex Borough Parks Policeman or special officer or a municipal, borough or state police officer.

PATH Any footpath, walk or any path maintained for pedestrians.

PEDESTRIAN A person afoot.

PERMIT Any written license issued by or under the authority of the ~~Commission~~ **Borough of Middlesex**, permitting a special event or activity on park facilities.

PERSON Any natural person, corporation, company, association, joint-stock association, firm or copartnership.

PRIVATE ROAD OR DRIVE Every road or land or driveway not open to the use of the public in general.

RIGHT-OF-WAY The privilege of the immediate use of the roadway, drive or path.

SAFETY ZONE Any space (within a drive) established for pedestrians.

SOLICITING Selling goods or services by sample or by taking orders for future delivery with or without accepting advance payment for the goods; seeking any form of contributions.

STOPPING or STANDING When prohibited, is any cessation of movement of a vehicle, occupied or not, except when necessary to avoid conflict with other traffic, including horses.

TRAFFIC Pedestrians, ridden or herded animals or vehicles, either singly or together, while in the confines of the park's jurisdiction.

VEHICLE Any conveyance (except baby carriages), including motor vehicles, trailers, campers, tricycles, bicycles, sleds, sleighs, pushcarts, boats or vehicles propelled by other than muscular power; also any horse.

VENDING To sell, to dispose of by sale or to trade.

SECTION XVII.

Section 301-4(c) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Explosives. No person shall bring into or have in his possession at said parks any explosives, including any substance, compound, mixture or article having properties of such a character that alone or in combination or conjunction with other substances or compounds may decompose suddenly and generate sufficient heat, gas or pressure or any or all of them to produce rapid flaming or combustion, or to administer a destructive blow to surrounding objects. Fireworks are excepted from this regulation, provided that written approval of the Commission, local Police Department and State Department of Labor and Industry is secured for the specific occasion.

SECTION XVIII.

Section 301-6(d) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

No person shall injure, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path, walk, bridge or approach thereto; take up or remove or carry away any asphalt, concrete, flagstone, rock, stone, gravel, sand, clay or earth or make any excavation of any kind, name or nature; or harvest, cut, injure or remove any ice; or injure, deface, displace, remove or destroy any structure, building, post, railing, bench, seat, platform stand, tree guard, telephone, pipe or main for conducting gas, water or wires, or any hydrant, sewer, drain, pipe, main, receiving basin, covering manhole or vent forming a part thereof, or any appurtenance or appendage connected therewith, or any property or equipment, real or personal, owned by or under the jurisdiction or control of said ~~Commission~~ **Borough**, or appertaining to the creation, government, use or maintenance of said parks; or injure or in any way interfere with the operation of any machine, instrument or contrivance used in said parks; or injure, deface, displace, remove or destroy any sign, inscription, post or monument erected or marked for any purpose, or any mile board, milestone, danger sign or signal, guide sign or post, or any signaling device stanchioned, installed or placed by said ~~Commission~~ **Borough**, of any city, town or village, within the parks, for the purpose of directing, restricting or regulating traffic, establishing zones or giving information or direction to the public; or interfere with any lamp, lamppost, gas or electric apparatus, or extinguish the light therein, except upon proper authority or with a permit; or attach, string, adjust or carry any wire or other object in or over any part of said parks.

SECTION XIV.

Section 301-7(f) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

In the event a person, group or organization is denied a permit by the ~~Middlesex Borough Recreation Commission~~, said person, group or organization may appeal the denial of said permit to the Mayor and Council by filing a written notice of appeal to the Mayor and Council within 48 hours after being officially notified of the denial of the permit by the ~~Middlesex Borough Recreation Commission~~. The Mayor and Council shall thereafter, as soon as possible, schedule a hearing to ascertain all of the facts involving the application for the permit and the Mayor and Council may overrule the decision of the ~~Middlesex Borough Recreation Commission~~ and authorize the issuance of a permit.

SECTION XX.

Section 301-8 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

For the use of established designated areas for organized sports, namely football, track and baseball, which areas come under the jurisdiction of the ~~Commission~~ **Borough**, and prior to the commencement of these activities a written request must be made to the ~~Commission~~ **Borough**, and a user contract must be filled out in its entirety by both user and the ~~Commission~~ **Borough**,

SECTION XXI.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION XXII.

This ordinance shall take effect in the time and manner provided by law.

This ordinance was introduced as amended.

RESULT:	FIRST READING [UNANIMOUS]	Next: 11/26/2019 7:00 PM
MOVER:	Dan Parenti, Council Member	
SECONDER:	John Madden, Council President	
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

The Borough Clerk read ordinance 1979-19 by title:

ORDINANCE 1979-19

BOND ORDINANCE PROVIDING FOR THE REVISION OF THE BOROUGH TAX MAPS, VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$1,258,553 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,195,625.35 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,258,553, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$62,927.65 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,195,625.35, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes 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 which the obligations are to be issued consist of:

i) the revision of the Borough Tax Maps, with a total appropriation and estimated cost of \$25,000, estimated amount of bonds and notes therefor of \$23,750, and an average period of usefulness of five (5) years;

ii) acquisition of equipment for the Police Department, with a total appropriation and estimated cost of \$103,328, estimated amount of bonds and notes therefor of \$98,161.60, and an average period of usefulness of 5 years;

iii) acquisition of equipment for emergency management, with a total appropriation and estimated cost of \$7,000, estimated amount of bonds and notes therefor of \$6,650, and an average period of usefulness of five (5) years;

iv) acquisition of Fire Department equipment, including but not limited to, bunker gear, SCBA equipment, and communication equipment, with a total appropriation and estimated cost of \$326,000, estimated maximum amount of bonds and notes therefor of \$309,700, and an average period of usefulness of 5 years;

v) acquisition of various equipment for the Road Department, including but not limited to the acquisition of a Diagnostic Tester for Vehicles, Road Department vehicles, a 34" Road Planer for Bobcat Skid Steer, an additional Brine Tank, and a 7-8 yard Salt Spreader, with a total appropriation and estimated cost of \$178,000, estimated amount of bonds and notes therefor of \$169,100, and an average period of usefulness of five (5) years; and

vi) acquisition of various equipment for the Parks Department, including but not limited to, a ride on leaf blower, new Aerators for Lake, and an enclosed trailer, with a total appropriation and estimated cost of \$70,000, estimated amount of bonds and notes therefor of \$66,500, and an average period of usefulness of five (5) years,

vii) the acquisition of a new Meals on Wheels Vehicle for Senior Services, with a total appropriation and estimated cost of \$20,000, estimated amount of bonds and notes therefor of \$19,000, and an average period of usefulness of five (5) years,

viii) the acquisition of equipment and various improvements for Buildings and Grounds, including but not limited to, the acquisition of a heating/cooling unit, building improvements, electrical improvements, improvements to the Gazebo, and the acquisition of HVAC software, with a total appropriation and estimated cost of \$87,225, estimated amount of bonds and notes therefor of \$82,863.75, and an average period of usefulness of (15.6) years,

ix) the acquisition of equipment for the Sewer Department, including but not limited to a mobile bypass pump, with a total appropriation and estimated cost of \$60,000, estimated amount of bonds and notes therefor of \$57,000, and an average period of usefulness of five (5) years,

x) Flood prevention program, including, but not limited to, stream cleaning, with a total appropriation and estimated cost of \$50,000, estimated amount of bonds and notes therefor of \$47,500, and an average period of usefulness of five (5) years,

xi) the repaving of various roads, with a total appropriation and estimated cost of \$332,000, estimated amount of bonds and notes therefor of \$315,400, and an average period of usefulness of ten (10) years

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,195,625.35, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,258,553, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,258,553 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$62,927.65 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 6.97 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate 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. 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 in this bond ordinance by \$1,195,625.35 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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.

Mayor DiMura opened the Public Hearing on Ordinance No. 1979-19.

Evan Walters, 837 W. Second Street questioned the \$50,000 in the capital budget for stream cleaning and what the process was to do this cleaning. He also recommended that the borough look into the Central Jersey Stream Team for help to clean the streams.

Mayor DiMura explained the process and indicated that we have used the Central Jersey Stream Team in the past to clean the streams.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read ordinance 1980-19 by title:

ORDINANCE 1980-19

AN ORDINANCE AMENDING CHAPTER 387 (TOWING), OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX SO AS TO UPDATE AND CLARIFY CERTAIN PROVISIONS THEREOF

WHEREAS, the Middlesex Borough Police Department seeks to update and clarify the Borough's towing ordinance; and

WHEREAS, the Mayor and Council concur with the Police Department's recommendations related to the tow ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, that Chapter 387 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey, is hereby amended as follows:

SECTION I.

Section 387-1(B) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Definitions. For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

BASE OF OPERATION

Where the wrecker's vehicles shall be garaged, stored and located, which shall be within a ~~three and one-half~~ **4.25**-mile diameter **radius** of the herein-defined center of the Borough, being the Municipal Building **Middlesex Borough Police Headquarters**, located at ~~1200~~ **1101** Mountain Boulevard **Avenue**, Middlesex, New Jersey, as set forth on the map identified as Schedule A.

BASIC TOWING SERVICE

~~The removal and transportation of an automobile from a highway, street or other public or private road or parking area or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm.~~

- (1) The removal and transportation of an automobile or motorcycle from a highway, street or other public or private road or any parking area or from a storage facility and other services normally incident thereto. This does not include recovery of an automobile which is fixed or has been thrust upon any other object within or without the right-of-way or berm, nor does it include**

removal of trucks or buses. This includes but is not limited to any motor vehicles that can be driven, under its own power, to the wrecker or the wrecker can pull up and remove the motor vehicle.

- (2) Pursuant to N.J.A.C. 13:45A-31.2 of the rules of the State Division of Consumer Affairs, "basic towing service" also includes 15 minutes' waiting time after arriving at the site from which a motor vehicle will be towed.
- (3) Pursuant to N.J.A.C. 13:45A-31.2 of the rules of the State Division of Consumer Affairs, "basic towing service" also includes issuing documents for the release of the motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of the motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage.

BOROUGH

The Borough of Middlesex.

CHIEF OF POLICE

The Chief of the Police Department of the Borough of Middlesex or anyone designated by him.

HEAVY TOWING SERVICES

Any towing or recovery of an automobile which is fixed or has been thrust upon any other object within or without the right-of-way or berm, or any towing that includes removal of a truck, bus, or other similar vehicle, or any towing service not classified as Basic Towing Services as defined herein.

INSIDE BUILDING

A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage or removal of vehicles that is secured by a locking device on each opening.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet in height and which is installed with a passive alarm or a similar on-site security measure. The facility is to be lighted at night so as to render the interior of the storage area visible.

OUTSIDE UNSECURED

An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as "inside building" or "outside secured."

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

TOWING LIST

A list maintained by the Police Department containing the names of those wreckers licensed and contracted by the Borough to respond to requests for towing of vehicles made by the Police Department.

WRECKER

A person in the business of, or offering the services of, a towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

SECTION II.

Section 387-4(B)(5) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The location, size and security features of the storage lot where vehicles shall be towed, a clear photograph or photographs of the lot, which lot shall be screened from public view, and which lot shall conform with all municipal ordinances, land use laws and the applicable zoning code. The wrecker agrees to ensure that the storage facility is safe and secure, utilizing all reasonable means to prevent theft, vandalism, damage to vehicles and/or any criminal activity. Any storage lot located outside of the Borough shall not be located more than ~~three miles, by roadway, from any Borough border~~ **4.25 miles from the Middlesex Borough Police Headquarters at 1101 Mountain Ave in the Borough.**

SECTION III.

Section 387-6 shall be retitled "Minimum Operational Standards" and is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

~~Minimum equipment to be maintained by the wrecker shall include:~~

- A. **Minimum equipment to be maintained by the wrecker shall include** Aat least one flatbed-type wrecker with a minimum chassis rating of 11,000 pounds gross vehicle weight.
- B. All vehicles must be clearly and permanently marked with the name of the wrecker.
- C. All vehicles must be equipped with an appropriate mobile communications device, cab-mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle law standards and all light permits being obtained), tow sling-type bars with rubber straps and/or wheel lift capability with safety straps to prevent damage to towed vehicles, steering locks for towing vehicles from the rear, fire extinguishers of A B C type, safety chains, a stiff push broom, safety flairs and portable safety lights to be installed on towed vehicles if necessary.
- D. All operators must wear high-visibility ANSI-compliant traffic vests at all tow scenes.

SECTION IV.

Section 387-13(A) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Towing services shall rotate among the licensed wreckers on a weekly basis. The week will start on Monday at 8:00 a.m. on the first of the week and will conclude at 7:59 a.m. on the first day of the following week. During the week that the towing service is assigned, all calls for service requested through the Police Department will be accepted. Refusal or inability to respond automatically results in the next wrecker on the list being summoned. The Chief of Police shall not call or cause to be called any wrecker not licensed with the Borough unless all such wreckers are unavailable. In the event that the wrecker on duty ~~does not own a heavy-duty wrecker~~ **cannot perform a tow requiring heavy towing services as defined in this Chapter**, the Chief of Police is authorized to call the current heavy-duty wrecker company approved by, and under contract with, the Middlesex County Prosecutor's Office.

SECTION V.

Section 387-15 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The fees set forth in the schedule for towing rates are the maximum charges that shall apply to a private passenger automobile for towing services rendered as the result of police request, an accident or theft recovery. There shall be no additional charges other than those provided by statute, including but not limited to flatbedding, when requested, waiting time, winching, cleanup cost and additional labor, when only basic towing services as defined are provided.

B. The towing rates shall be calculated based on the total distance traveled from the tow vehicle's base of operation to the tow site and return by way of the shortest available route. Fractions shall be rounded up to the nearest whole mile.

C. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

D. When towing services are required, the day rate shall apply when the vehicle was transported (picked up for delivery) entirely between 8:00 a.m. and 5:00 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rates shall apply otherwise.

E. The fees set forth in the schedule for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to a private passenger automobile that is stored by a person.

F. If, in the course of any criminal investigation, either basic towing services or heavy towing services are required to tow a vehicle stored by a wrecker to any facility operated by the Borough, the wrecker shall assess the fee applicable under the towing fee schedule contained in this Chapter against the owner of the vehicle to be towed. The Borough shall not be liable for fees assessed pursuant to this Chapter for vehicles seized thereby in the course of a criminal investigation.

SECTION VI.

Section 387-16 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

A. The following is the fee schedule for towing services:

(1) Days.

(a) Tow **Basic Towing Services** to yard: \$75 **115.00**.

(b) Tow **Basic Towing Services** to any other destination: \$75 **115.00** (plus \$5 for each additional mile past first mile).

(c) **Heavy Towing Services: Prevailing market rate commensurate to services rendered by the wrecker.**

(2) Nights, weekends and holidays.

(a) Tow **Basic Towing Services** to yard: \$85 **125.00**.

(b) Tow **Basic Towing Services** to any other destination: \$85 **125.00** (plus \$5 for each additional mile past first mile).

(c) **Heavy Towing Services: Prevailing market rate commensurate to services rendered by the wrecker.**

B. The following is the fee schedule for towing services of Borough-owned vehicles:

(1) There shall be no charge for the towing of Borough-owned vehicles within the Borough limits **or any tow that occurs less than 4.25 miles from the Middlesex Borough Police Headquarters at 1101 Mountain Ave in the Borough. This provision shall apply to either Basic Towing Services or Heavy Towing Services.**

(2) There shall be a flat fee of \$150 for the towing of Borough-owned vehicles from outside the Borough limits. **This provision shall apply to either Basic Towing Services or Heavy Towing Services.**

C. The following is the fee schedule for storage services:

(1) Inside building: \$30 per day (at the request of the owner or Police Department).

(2) Outside secured: \$25 per day.

(3) Outside unsecured: \$15 per day.

SECTION VII.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION VIII.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IX.

This ordinance shall take effect in the time and manner provided by law.

Mayor DiMura opened the Public Hearing on Ordinance No. 1980-19. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance 1980-19.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	John Madden, Council President
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

ADOPTION OF MINUTES

1. Approval of the October 8, 2019 Regular & Executive Meeting Minutes

RESULT:	APPROVED [5 TO 0]
MOVER:	Jason Carr, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Mikolajczyk
ABSTAIN:	Dotey

MAYOR'S REPORT

None

REPORTS - STANDING COMMITTEES

Finance/Taxation/Real Estate/Insurance/Public Utilities

Councilman Mikolajczyk reported that the Finance Committee met this evening to review budget and go over transfers to be approved at the November 26, 2019 Regular Meeting. Funds will be transferred into the engineering general line for engineering for the flood maps and also into Shade Tree to complete pending tree work. The Finance Committee will be meeting again before the end of the year.

Fire/OEM/Rescue Squad

Councilman Rex reported that the Committee met after the date for submissions of reports, so the Fire Report will be done at the November 26 Regular Meeting.

Recreation/Recreation Fields/Swim Pool/Community Celebrations

Council President Madden reported that the Recreation Committee reviewed the amended Recreation Policy last night.

Public Works/Buildings & Grounds/Recycling

Councilman Parenti reported that the DPW and Library will be holding a Touch a Truck on November 9th in the Library/Municipal Parking Lot and Community Room from 1PM - 3PM.

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

Councilman Dotey reported that October 26th from 10AM - 2PM is National Prescription Drug Take Back Day at the Police Department, where you can bring your unwanted drugs.

Also, the Department is enforcing an "Operation No Sale" which restricts the sale of certain items by local businesses to prevent children from purchasing these items to do any destruction on Mischief Night.

Councilman Dotey also indicated that November 2 from 10AM - 12PM the Board of Health will hold their

annual Rabies Clinic at the Borough Garage on Main Street.

Administration/Department of Senior Services/Legislation/Licensing

Councilman Carr working on the noise ordinance and trying to discuss with our judge for suggestions he might have.

ADMINISTRATOR'S REPORT

Administrator's Report

October 22, 2019

- I. Flood Management**
 - i. AW501 Forms**
- II. Update of Sewer Projects:**
 - i. Phase I:**
 - a. i-Bank (formerly EIT) funding reimbursement
 - b. Additional work on George Street - no update
 - c. Funds remaining- DEP Requirements - no update
 - d. O & M Manual required by DEP - no update
 - e. I/I Study - no update
 - f. Sampling Program - no update
 - ii Phase II Funding
 - iii Phase IV: Sewer Bypass - no update
- III. Update on Other Public Works Projects:**
 - i. Streetscape Project - Engineer will discuss @ November 26, 2019**
 - ii. South Avenue Reconstruction: Issue with pole relocation/Lucas (Exec)**
 - iii. Safe Routes to Schools - no update**
 - iv. Road Design (2019 DOT Grant)**
- IV. Update on Other Projects:**
 - i. Library HVAC System - on Agenda**
 - ii. Mountain View Park punch list**
- V. Video Taping of Meetings - no update - Councilman Carr questioned the funds that were allotted for the videotaping of Borough Council Meetings. Administrator Karrow indicated that these funds had been removed from the 2019 budget when it was rolled back, but that They are currently put in the capital budget under "building and grounds" and she will discuss after the estoppels period.**
- VI. Miscellaneous**
 - i. Rec Center, Rec Policies and Rec Ordinance Updates - on Agenda**
 - ii. Purchasing Manual Update - on Agenda**
 - iii. Recycling Bid: pending MCIA's bids**
 - iv. Dredging of Lake/Mosquito Control Commission - no update**
 - v. Recreation Building Improvement - no update**
 - vi. Personnel Manual**
 - vii. Computer Migration/Upgrade**

PRIVILEGE OF THE FLOOR

Rich Thomasey, 109 Greene Avenue

- Requested an update of the Recreation Department webpage.
- Requested that Council move the 2 benches at Victor Crowell Park that are facing the flag pole so that they

face the children's playground

- Questioned where the left over money dedicated for LOSAP would go once all the LOSAP awards are given each year.
- Requested how the Alliance Funds (Resolution 263-219) are distributed.

Mike Hompesch, 5 Kalman Court

- Questioned if in 2018 the Democratic Councilmen had meetings as a group that violated the Sunshine Law.
- Questioned if all members of the Recreation Committee were mayoral appointments and if so urged council to amend ordinance to also include council's approval of these appointments

John Erickson, 209 Second Street

- Thanked the Borough Administrator for all her flood work.
- Questioned the status of the Parks Committee, if they met and reported back to the Council by the August Meeting, and if there were any meeting minutes for their meeting.
- Questioned the funding for the "About our Town" supplement that had been published
- Questioned the use of borough phone/laptop for political purposes

Elizabeth Spencer, 172 Misty Lane

- Requested that the politicians focus on what they do for the town, refrain from negativity, treat people how you would like to be treated and try to work together and build as a community

Rich Rutkowski, 211 Maple Street

- Questioned if members of the Recreation Committee were appointed by the Mayor.
- Discussed the subdivision area proposal by the Lincoln Boulevard Statue Park that went before the Economic Development Advisory Committee and that the Economic Development Advisory Committee had agreed to the conveyance of the parking spots by the Lincoln Boulevard statue to the developer.

Bob Edwards, 243 Hazelwood Avenue

- Made several personal comments pertaining to the Mayor's past

Mayor DiMura addressed all concerns raised by the Public.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 263-2019

APPROVING THE MUNICIPAL ALLIANCE CONTRACT BETWEEN THE COUNTY OF MIDDLESEX AND THE BOROUGH OF MIDDLESEX FOR FISCAL GRANT CYCLE JULY 2020-JUNE 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit

organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Middlesex Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Middlesex Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Middlesex Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Middlesex Borough Council does hereby authorize submission of a strategic plan for the Middlesex Borough Municipal Alliance grant for fiscal year 2020-2021 in the amount of:

DEDR	\$19,494.00
Cash Match	\$ 4,873.50
In-Kind	\$14,620.50

2. The Middlesex Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

The Borough Clerk read the following resolution:

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

RESOLUTION 264-2019

APPROVAL OF PROPOSAL OF REMINGTON & VERNICK ENGINEERS FOR THE IDENTIFICATION OF RAIN INDUCED INFILTRATION/INFLOW AND SANITARY SEWER OVERFLOW SOURCES OF THE MIDDLESEX BOROUGH SANITARY SEWER SYSTEM IN AN AMOUNT NOT TO EXCEED THE AMOUNT OF \$50,000. - *Item Removed from Consent*

WHEREAS, the governing body received a proposal from Remington & Vernick Engineers dated October 3, 2019 for the identification of rain induced infiltration/inflow and sanitary sewer overflow sources of the Middlesex Borough sanitary sewer system; and

WHEREAS, the proposal for this project includes Data Collection, Flow Data Determinations, Updating of the Sewer System Mapping, Field Work, and a Pre-Design Engineering Report and Fieldwork Database

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 October 3, 2019, for the identification of rain induced infiltration/inflow and sanitary sewer overflow sources for the Middlesex Borough sanitary sewer system at a cost not to exceed \$50,000.00 .
2. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Acting CFO hereby certifies that funds in the amount of \$50,000.00 are available in Account No. C04-19-975-000-050.

Caroline Benson, Acting CFO

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 265-2019

EXTENDING THE CONDITIONAL DESIGNATION OF ADVANCED DEVELOPMENT GROUP AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 317 LOTS 3, 7 & 14.01, IN THE LINCOLN BOULEVARD REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A MIXED-USE PROJECT - *Item Removed from Consent*

WHEREAS, Tax Block 317, Lots 3, 7 and 14.01 (the "Property") is located in the Lincoln Boulevard Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, the Borough of Middlesex (the "Borough") is desirous of the redevelopment of this 1.4+/- acre site for re-use consistent with the Borough's Master Plan and the Redevelopment Plan for the Redevelopment Area, adopted on December 13, 2016 as amended; and

WHEREAS, Advanced Development Group, made a presentation to the Borough Economic Development Advisory Committee regarding its concept proposal for the Property; and

WHEREAS, the Property is public and privately owned and Advanced Development Group, have a contract to purchase the privately-owned property; and

WHEREAS, Advanced Development Group have committed to rehabilitate the Publicly owned property Block 317 Lot 7 known as the Lincoln Monument Park for public use, and

WHEREAS, the proposal has been found consistent with the Borough's goals for redeveloping the area.

WHEREAS, on February 26, 2019 the Borough Council designated Advanced Development Group Somerset as redeveloper of the Property for a period of 120 days; and

WHEREAS, on June 6, 2019 the Borough Council extended said designation for an additional 120 days; and

WHEREAS, on April 26, 2019, Advanced Development Group and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Middlesex that it hereby further extends the conditional designation as redeveloper of Advanced Development Group, 1084 Route 22 West Mountainside, NJ 07092, for the development of Tax Block 317, Lots 3, 7 and 14.01; located in the Lincoln Boulevard Redevelopment Area, for a mixed-use project, the detail of which is subject to further refinement, for the reasons set forth herein.

BE IT FURTHER RESOLVED, that said conditional designation is subject to the following conditions:

1. That the conditional designation is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That Advanced Development Group and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
3. That Advanced Development Group agrees to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

RESULT:	TABLED BY CONSENT VOTE [5 TO 0]	Next: 11/26/2019 7:00 PM
MOVER:	Jack Mikolajczyk, Council Member	
SECONDER:	Kevin Dotey, Council Member	
AYES:	Rex, Carr, Parenti, Dotey, 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 266-2019

**THE TAX COLLECTOR IS HEREBY AUTHORIZED TO RECEIVE TAX TITLE LIEN
REDEMPTION FUNDS FOR BLOCK 300, LOT 5 IN THE AMOUNT OF \$798.59**

WHEREAS, said liens have been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for October 22, 2019;

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

<u>Date of Sale:</u>	7/12/17
<u>Block/Lot:</u>	300 / 5
<u>Amount:</u>	\$798.59
<u>Premium:</u>	\$1,100.00
<u>Certificate:</u>	16-00033
<u>Payable To:</u>	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723

The Borough Clerk read the following resolution:

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

RESOLUTION 267-2019

**RELEASE OF PERFORMANCE GUARANTEES OF QUICKCHEK CORPORATION
BEING HELD FOR THE FUEL SALES EXPANSION PROJECT AT BLOCK 173, LOTS 1
AND 1.01, LOCATED AT THE INTERSECTION OF HARRIS AVENUE AND UNION
AVENUE**

WHEREAS, QuickChek Corporation has posted performance guarantees in the form of paper bond #CMS0323445, in the amount of \$17,474.00, issued by RLI Insurance Company as well as two (2) cash bonds, in the amount of \$1,942.00 for the 10% cash guarantee and \$29,344.99 for a Safety & Stabilization guarantee required for the fuel sales expansion project on Block 173, Lots 1 and 1.0 located at the intersection of Harris Avenue and Union

Avenue; and

WHEREAS, a cash maintenance bond in the amount of \$2,913.00 has been submitted and QuickCheck Corporation is requesting the release of all performance guarantees due to the completion of the project on Block 173, Lots 1 & 1.01.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, Middlesex County, New Jersey that the release of Performance Bond #CMS0323445, in the amount of \$17,474.00, issued by RLI Insurance Company as well as two (2) cash bonds, in the amount of \$1,942.00 for the 10% cash guarantee and \$29,344.99 for a Safety & Stabilization guarantee required for the fuel sales expansion project on Block 173, Lots 1 and 1.0 are hereby released.

The Borough Clerk read the following resolution:

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

RESOLUTION 268-2019

**APPROVING THE MIDDLESEX BOROUGH PURCHASING MANUAL EFFECTIVE
OCTOBER, 2019 - *Item Removed from Consent***

The Governing Body hereby approves the Middlesex Borough Purchasing Manual which has been updated effective October, 2019.

RESULT:	ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kevin Dotey, Council Member
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 269-2019

**PROVIDING NOTICE TO AMERICAN TOWER CORPORATION OF BOSTON,
MASSACHUSETTS OF HEARING TO BE HELD ON NOVEMBER 26, 2019 PURSUANT
TO N.J.S.A 40:67-7 TO REMOVE STRUCTURES FROM PSE&G UTILITY POLE NO.
601457 LOCATED ON SOUTH AVENUE IN THE BOROUGH OF MIDDLESEX - *Item
Removed from Consent***

WHEREAS, on or about June 1, 2019, Lucas Construction Group, Inc., acting on under the supervision of Remington Vernick Engineers, Inc., and on behalf of the Borough of Middlesex, completed a project for the reconstruction of a portion of South Avenue in the Borough ("the Project"); and

WHEREAS, Utility Pole No. #60157MXB is owned by Public Service Electric & Gas

(PSE&G) and located within the Borough's right of way on South Avenue and in the zone of the project to be completed; and

WHEREAS, as part of the Project, the path of South Avenue was expanded slightly inside the Borough's right of way and Utility Pole No. #60157MXB has been reconstructed on a new site nearby; and

WHEREAS, all entities that have any wires or structures attached or appended to Utility Pole No. #60157MXB have relocated to the new pole, with the exception of a wire under the ownership of American Tower Corporation of Boston, Massachusetts; and

WHEREAS, the Lucas Construction Group, Inc., Remington Vernick Engineers, Inc., PSE&G, and the Borough of Middlesex have all worked diligently to procure the relocation of American Tower Corporation's wire from the former pole No. #60157MXB to the newer pole, without success; and

WHEREAS, the American Tower Corporation Wire remains the last wire on the former pole and the only impediment to remove the former pole in its entirety; and

WHEREAS, the former pole No. #60157MXB presently blocks a portion of South Avenue, jutting into the reconstructed street, creating a safety hazard, and preventing both Lucas Construction, Inc., and Remington Vernick Engineers, Inc., from completing this project and also preventing PSE&G from removing the former pole No. #60157MXB and completing consolidation of wires on the new pole; and

WHEREAS, N.J.S.A. 40:67-7 permits the governing body of a municipality, when "making any improvement [on] any street or highway," after a "hearing upon notice given," to by resolution "order all persons maintaining any street railway tracks, poles, wires, pipes, conduits or other structures of any kind therein, to remove the same, and relocate them therein in conformity with the changed or altered street or highway": and

WHEREAS, N.J.S.A. 40:67-7 further requires a municipality, when pursuing this remedy, to provide in writing "the time and place of such hearing...to all interested persons...by mailing such copy [of said notice] to the principal office of any such corporation," and, thereby, proper notice shall be effectuated under the statute; and

WHEREAS, N.J.S.A. 40:67-8 provides that, should any party "fail to comply with the direction of the governing body of a municipality to make any changes or to do any work referred to in sections 40:67-7...the same may be made or done by the municipality at the expense of such person and the cost thereof recovered by the municipality in any court of competent jurisdiction";

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, does hereby provide notice to the following parties that a hearing pursuant to N.J.S.A. 40:67-7 shall be conducted by the Mayor and Council of the Borough of Middlesex at the regular council meeting to be held on Tuesday, November 26, 2019 at 7:00 pm at Middlesex Borough Hall, 1200 Mountain Boulevard, Middlesex, New Jersey, 08846; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Middlesex,

County of Middlesex, State of New Jersey, does hereby direct the Borough Clerk of the Borough of Middlesex to provide written notice to the following entities compliant with N.J.S.A. 40:67-7, with such notice to be provided by regular mail, certified mail (return receipt requested), and, where provided below, electronic mail and facsimile:

American Tower Corporation
Corporate Headquarters
116 Huntington Avenue, 11th Floor
Boston, MA 02116
Attn: Richard Rossi, Esq. (Vice President/General Council)
Fax: (617) 375-7575

American Tower Corporation
U.S. Tower Headquarter
10 Presidential Way
Woburn, MA 01801
Attn: Matthew Beaupre (Territory Manager, Regional Operations - East)
Fax: (781) 926-4545
Email: matt.beaupre@americantower.com

George Allan
Chief Inspector
Remington & Vernick Engineers, Inc.
3 Jocama Blvd, Suite 300-400
Old Bridge, NJ 08857
Email: george.allan@rve.com

Steven Amos, P.E.
Lucas Construction Group, Inc.
P.O. Box 8939
Red Bank, NJ 07701
Fax: (732) 955-8301

Charles Hatton
Principal Staff Engineer
PSE&G Electric Delivery, Central Division
80 Park Plaza, P.O. Box 1171
Newark, New Jersey 07101
Email: charles.hatton@pseg.com; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, shall conduct at hearing pursuant to N.J.S.A. 40A:67-7 at that time and here cause as to why said Borough should not remove any remaining wires or other structures attached to Pole No. #60157MXB;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, reserves all rights and remedies granted thereto pursuant to N.J.S.A. 40:67-7, N.J.S.A. 40:67-9, and any other applicable statute, ordinance, or regulation.

RESULT:	ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 270-2019

**AUTHORIZE APPLICATION TO MIDDLESEX COUNTY FOR A 2020 RECYCLING
ENHANCEMENT GRANT FOR RECYCLING DROP-OFF CENTER SIGNAGE**

WHEREAS, Middlesex County is sponsoring a "Recycling Enhancement Grant" program for municipalities for recycling projects; and

WHEREAS, Recycling Enhancement Grants will be awarded only to Municipal Departments of Public Works/Recycling Programs for signage at recycling drop-off centers to ensure residents are recycling correctly;

WHEREAS, applications for Recycling Enhancement grants must be received by Middlesex County, with a governing body resolution authorizing application, before November 1, 2019:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey, hereby authorizes the submission of a 2020 Recycling Enhancement Grant application, with a certified copy of this resolution, to the County of Middlesex for signage at the Middlesex Borough recycling drop-off center.

The Borough Clerk read the following resolution:

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

RESOLUTION 271-2019

**AMENDING RESOLUTION #231-2019, APPOINTING FINANCIAL ADVISOR, BY
INCREASING THE SCOPE OF SERVICES**

WHEREAS, NW Financial Group, LLC was appointed Financial Advisor for the Borough of Middlesex via Resolution #231-2019, adopted on September 10, 2019; and

WHEREAS, said appointment as Financial Advisor was for the purpose of a 2019 Refunding Bond Issue; and

WHEREAS, an item required for the Refunding Bond is the preparation of the Preliminary Official Statement and Official Statement; and

WHEREAS, as the Borough Financial Advisor, NW Financial Group, LLC, is able to prepare the required statements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Middlesex, County of Middlesex, State of New Jersey, that the scope of services in the contract for the appointment as Borough Financial Advisor be amended to include the preparation of the Preliminary Official Statement and Official Statement at an additional cost of \$4,000.00 which thereby increases the total contract amount to not exceed \$11,500.00.

The Borough Clerk read the following resolution:

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

RESOLUTION 272-2019

APPROVAL OF THE MIDDLESEX BOROUGH RECREATION DEPARTMENT POLICY GUIDE - *Item Removed from Consent*

The Governing Body hereby approves the Middlesex Borough Recreation Department Policy Guide effective immediately.

RESULT:	ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Jason Carr, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 273-2019

AWARD CONTRACT IN THE AMOUNT OF \$226,000.00 FOR THE AIR HANDLING UNIT (AHU) REPLACEMENT PROJECT AT THE MIDDLESEX PUBLIC LIBRARY TO THASSIAN MECHANICAL CONTRACTOR, INC.

WHEREAS, on September 19th, 2019, the Borough of Middlesex did publish a notice to bidders of the re-bid for the Air Handling Unit (AHU) Replacement Project for the Middlesex Borough Library; and

WHEREAS, on October 9, 2019, eight (8) bids were received, opened and read aloud for the re-bid of the aforementioned project.

WHEREAS, Thassian Mechanical Contractor, Inc., of Belford, New Jersey, submitted the lowest responsive bid for the project in the amount of \$226,000.00; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the submitted bid and have made recommendation that a contract be awarded to Thassian Mechanical Contractor, Inc., in the amount of \$226,000.00; and

WHEREAS, the Director of Finance has certified that sufficient funds are available for the award of said contract.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey that a contract is hereby awarded to Thassian Mechanical Contractor, Inc., of Belford, New Jersey for the AHU Replacement at the Middlesex Borough Library in the amount of \$226,000.00.

The Borough Clerk read the following resolution:

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

RESOLUTION 274-2019

**DETERMINING THE FORM AND OTHER DETAILS OF GENERAL OBLIGATION
REFUNDING BONDS OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY, AND PROVIDING FOR THE SALE AND THE DELIVERY OF
SUCH GENERAL OBLIGATION REFUNDING BONDS**

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

Section 1. (a) General Obligation Refunding Bonds, Series 2019, in an amount not exceeding \$4,250,000, of the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") are hereby authorized to be issued and sold as Refunding Bonds (or sometimes referred to herein as the "Bonds").

(b) In order to effectuate the Refunding Plan (defined herein), the Chief Financial Officer shall determine the actual principal amount of the Refunding Bonds to be issued; provided that such determination shall be consistent with a refunding bond ordinance finally adopted by the Borough Council on October 8, 2019 and entitled, "REFUNDING BOND ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL IMPROVEMENT BONDS DATED MAY 15, 2010, APPROPRIATING AN AMOUNT NOT EXCEEDING \$4,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,250,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF MIDDLESEX FOR FINANCING THE COST THEREOF" (the "Refunding Ordinance"), and be within the parameters set forth in Section 2 of this resolution. The signature of the Chief Financial Officer or Acting Chief Financial Officer (hereinafter the "Chief Financial Officer") on the Purchase Contract (as hereinafter defined) authorized in Section 2 hereof shall constitute evidence of the approval of such actual principal amounts.

Section 2. The Refunding Bonds are hereby authorized to be sold to Raymond James & Associates, Inc. (the "Underwriter") in accordance with a purchase contract to be entered into by and between the Underwriter and the Borough. The Chief Financial Officer is hereby authorized to execute and, on behalf of the Borough, negotiate a purchase contract substantially in the form attached hereto as **Exhibit A** (the "Purchase Contract") with the Underwriter in the form satisfactory to bond counsel and upon terms satisfactory to the Chief Financial Officer for the sale of the Refunding Bonds to the Underwriter in accordance with the provisions of this resolution, provided that (i) the underwriter's discount

shall not exceed \$5.50 per \$1,000 of bonds issued, and (ii) the terms of the sale of the Refunding Bonds and the Refunding Plan (hereinafter defined) are in accordance with the provisions of N.J.S.A. 40A:2-51 and N.J.A.C. 5:30-2.5 (which does not require the approval of the New Jersey Local Finance Board, provided the conditions therein are satisfied). The signature of the Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. (a) The Refunding Bonds shall be issued in the par amounts determined by the Chief Financial Officer to be necessary to (collectively, the "Refunding Plan") pay costs of issuance and to provide a deposit to one or more escrow funds that, when invested, will be sufficient to currently refund all or a portion of the outstanding callable principal amount of the Borough's General Improvement Bonds, Series 2010, dated May 15, 2010, namely those bonds maturing on February 15, 2021 through and including 2025 (the "Refunded Bonds") and to call the Refunded Bonds for redemption on February 15, 2020 (the "Redemption Date") at a redemption price of 100% of the principal amount of such Refunded Bonds to be redeemed plus any unpaid accrued interest to the Redemption Date. The Refunding Bonds shall mature as set forth in paragraph (f) below.

(b) The Refunding Bonds shall bear interest at rates, not in excess of seven percent (7%) per annum, as agreed to by the Chief Financial Officer as provided in the Purchase Contract, such rates to be set to assure that the Borough achieves at least a 3% net present value debt service savings measured against the Refunded Bonds.

(c) The Refunding Bonds may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer as part of the sale and as shall be set forth in the Purchase Contract.

(d) The Refunding Bonds shall be dated their date of delivery or such other later date consistent with the date of sale and shall bear interest at the rates per annum as the Chief Financial Officer shall determine.

(e) The Refunding Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Purchase Contract.

(f) The Refunding Bonds shall mature on February 15, 2020 (or such other date as shall be determined by the Chief Financial Officer and set forth in the Purchase Contract) and thereafter on such dates and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest payable semiannually on February 15 and August 15 in each year until maturity commencing February 15, 2020 (or such other dates as shall be determined by the Chief Financial Officer and set forth in the Purchase Contract), at the rates per annum as may be determined by the Chief Financial Officer and as set forth in the Purchase Contract.

(g) The Refunding Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Refunding Bonds maturing in each year. Both principal of and interest on the Refunding Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository.

The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Refunding Bonds on behalf of individual purchasers. Individual purchases may be made in denominations of \$5,000 each or any integral multiple of \$1,000 in excess thereof through book-entries made on the books and the records of the Securities Depository. The principal of and the interest on the Refunding Bonds of each series will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as may be determined by the Chief Financial Officer (the "Record Dates" for the Refunding Bonds). The Refunding Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

(h) The following matters are hereby determined with respect to the Refunding Bonds:

Designations: General Obligation Refunding Bonds, Series 2019

Date of Bonds: Date of Delivery.

Principal Payment Date: February 15, or such other date as determined by the Chief Financial Officer.

Interest Payment February 15 and August 15, commencing February 15, 2020, or such other dates as are determined by the Chief Financial Officer.

Redemption The Refunding Bonds may be subject to redemption prior to their stated maturities as may be determined by the Chief Financial Officer.

Place of Payment: Cede & Company

Section 4. The Refunding Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Refunding Bonds:

REGISTERED
NUMBER R - _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

BOROUGH OF MIDDLESEX

GENERAL OBLIGATION REFUNDING BOND, SERIES 2019

DATE OF ORIGINAL ISSUE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
_____, 2019	January 15, 20__	_____%	____ _

BOROUGH OF MIDDLESEX, in the County of Middlesex, New Jersey (the "Borough") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of _____ DOLLARS (\$ _____), and to pay interest on such sum from the Date of Original Issue of this bond until it matures at the Rate of Interest Per Annum specified above semiannually on the 15th days of February and August in each year until maturity, commencing on February 15, 2020. Interest on this bond will be paid to the Securities Depository by the Borough and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the 1st days of February and August next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Borough will be paid to the Securities Depository by the Borough and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a refunding bond ordinance of the Borough finally adopted on October 8, 2019, entitled "REFUNDING BOND ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL IMPROVEMENT BONDS DATED MAY 15, 2010, APPROPRIATING AN AMOUNT NOT EXCEEDING \$4,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,250,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF MIDDLESEX FOR FINANCING THE COST THEREOF" and a resolution of the Borough adopted on October 22, 2019, entitled "RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH GENERAL OBLIGATION REFUNDING BONDS", in all respects duly approved and published as required by law (the "Authorization Proceedings").

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have

been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the BOROUGH OF MIDDLESEX has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of the Clerk of the Borough, and this bond to be dated the Date of Original Issue as specified above.

BOROUGH OF MIDDLESEX, IN THE
COUNTY OF MIDDLESEX, NEW
JERSEY

By: _____ (Facsimile)
Mayor

ATTEST:

By: _____ By: _____ (Facsimile)
Clerk Chief Financial Officer

Section 5. The law firm of GluckWalrath LLP is authorized to arrange for the printing of the Refunding Bonds. The proper officials of the Borough are hereby authorized and directed to execute the Refunding Bonds and to deliver them to or upon the order of the Underwriter upon receipt of payment therefor.

Section 6. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code") in order to preserve the exemption from taxation of interest on the Refunding Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Refunding Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Refunding Bonds under the Code.

Section 7. The distribution by the Borough, and its Municipal Advisor, of the Preliminary Official Statement relating to the Refunding Bonds (a draft of which is attached hereto as **Exhibit B** and shall be filed with the records of the Borough) is hereby approved in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Borough officer executing the same may approve, such approval to be evidenced by such Borough officer's execution thereof. The Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect. The Chief Financial Officer is hereby authorized to approve the contents and terms of the final Official Statement in respect of the Refunding Bonds in substantially the form of the Preliminary Official Statement. The Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the Borough, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise

and the Borough officer executing the same may approve, such approval to be evidenced by such Borough officer's execution thereof.

Section 8. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository as may be necessary in order to provide that the Refunding Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that Securities Depository may determine to discontinue providing its service with respect to each series of the Refunding Bonds or is removed by the Borough and if no successor Securities Depository is appointed, each series of the Refunding Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000 each or any integral multiple of \$1,000 in excess thereof. The beneficial owner under the book-entry system, upon registration of the Refunding Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. A Continuing Disclosure Certificate in substantially the form attached hereto as **Exhibit C** is hereby approved, and the Chief Financial Officer is hereby authorized and directed to execute and deliver a Continuing Disclosure Certificate on behalf of the Borough in substantially such form, with such insertions and changes therein as the Chief Financial Officer may approve, such approval to be evidenced by her execution thereof.

Section 11. Manufacturers and Traders Trust Company, Iselin, New Jersey is hereby appointed to serve as Escrow Agent (the "Escrow Agent") for the Refunded Bonds.

Section 12. To effectuate the Refunding Plan, the Borough hereby approves the preparation and the execution of one or more escrow agreements by and between the Borough and the Escrow Agent, said escrow agreement to be in substantially the form attached hereto as **Exhibit D** (the "Escrow Agreement"), which is hereby approved, and the Chief Financial Officer is hereby authorized and directed to execute and deliver the Escrow Agreement on behalf of the Borough in substantially such form, with such insertions and changes therein as the Chief Financial Officer may approve, such approval to be evidenced by her execution thereof. The Escrow Agreement shall also provide for the payment of costs of issuance of the Refunding Bonds. The Chief Financial Officer is hereby authorized to direct the Escrow Agent to pay the costs incurred in connection with the sale and the issuance of the Refunding Bonds from the proceeds derived from the sale of the Refunding Bonds in accordance with the terms of a certificate of the Borough to be executed upon delivery of the Refunding Bonds. NW Financial Group, LLC, Hoboken, New Jersey, the Borough's Municipal Advisor (the "Municipal Advisor") is hereby authorized on behalf of the Borough to apply for United States Treasury Securities - State and Local Government Series and appointed as bidding agent of the Borough to the extent open market securities are purchased for the escrow funds for the Refunded Bonds, all in accordance with the Escrow Agreement. The Borough's Municipal Advisor is authorized to submit applications for such investments. The payment of costs of issuance in such amounts as shall be set forth in the Escrow Agreement (not exceeding \$75,000 in the aggregate) is hereby authorized.

Section 13. Holman Frenia Allison, P.C., Medford, New Jersey, is hereby appointed as Verification Agent who shall verify the mathematical computations performed initially by the Underwriter and related to the Refunding Bonds, the Refunded Bonds and the investment of certain funds in accordance with the terms of the Escrow Agreement.

Section 14. The Chief Financial Officer is hereby authorized and directed to take all actions necessary and appropriate to procure bond insurance in respect of the Refunding Bonds, provided that such bond insurance would be cost effective for the Refunding Plan. Such officer is further authorized and directed to execute all documents and certificates as may be necessary in connection with the purchase of such bond insurance.

Section 15. The Chief Financial Officer and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Refunding Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Borough and taking all steps necessary or desirable to implement the terms of this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 16. This resolution shall take effect immediately.

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 275-2019

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:	Dan Parenti, Council Member
SECONDER:	Kevin Dotey, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

The Borough Clerk read the following resolution:

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

RESOLUTION 276-2019

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. Acting CFO Salary
2. 150 Lincoln Boulevard & 242 Lincoln Boulevard (update)
3. Library Employee Pension

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Madden, Council President
SECONDER:	Jack Mikolajczyk, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

AGENDA WORKSHOP ITEM

1. Best Practices

Administrator Karrow reported that the borough scored a 34 on the Best Practices and indicated that this would qualify the borough to receive all of their aid. She also commended Caroline Benson on the great job that she did completing this document.

2. December Meeting Dates

Council discussed canceling the December 3, 2019 Regular Meeting and having the Clerk bring in the children that were receiving awards for the Summer Reading Program on either the November 26, 2019 or December 17, 2019 Regular Meeting.

3. Approve cancelling the December 3, 2019 Regular Meeting

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Parenti, Council Member
SECONDER:	Kevin Dotey, Council Member
AYES:	Madden, Rex, Carr, Parenti, Dotey, Mikolajczyk

4. Tandem Parking Spaces

A consensus of Council was taken to make a recommendation to the Planning Board to look into tandem parking spaces. These are basically double spaces, with one car in front of another.

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

1. Acting CFO Salary
 2. 150 Lincoln Boulevard & 242 Lincoln Boulevard (Update)
 3. Library Employee Pension
-

ADJOURNMENT

The next Meeting will be November 26, 2019

Respectfully yours,

Borough Clerk