

**BOROUGH OF MIDDLESEX
SPECIAL MEETING MINUTES
AUGUST 9, 2016**

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 the Special Meeting Notice of August 4, 2016 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall and on the Middlesex Borough Website.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk
Attorney:	Jeremy Solomon

PUBLIC HEARING

The Borough Clerk read ordinance No. 1893-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1893-16

BOND ORDINANCE PROVIDING FOR THE 2016 CAPITAL IMPROVEMENT PROGRAM BY AND IN THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$1,393,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$989,780 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED 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 the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of

Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,393,000, which sum includes a \$353,700 grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$49,520 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$1,393,000 appropriation not provided for by said Grant or down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$989,780 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$989,780 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are as follows:

<u>Description</u>	<u>Total Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
A. <u>Fire Department</u> Acquisition of a plow for a fire truck;	\$8,000	\$7,615	\$385	10 years
B. <u>Fire Department</u> Acquisition of gear and uniforms;	\$50,000	\$47,615	\$2,385	5 years
C. <u>Roads</u> Acquisition of a vertical crack filler machine;	\$42,083	\$40,075	\$2,008	15 years

<u>Description</u>	Total <u>Appropriation</u>	Debt <u>Authorization</u>	Down <u>Payment</u>	Useful <u>Life</u>
<p>D. <u>Parks</u></p> <p>Acquisition of a back stop for Haverstick Field, a mower, a lip broom, a 4 x 4 work cart and a power washer and installation of athletic field lighting at Mountain View Park;</p>	\$588,267	\$560,250	\$28,017	15 years
<p>E. <u>Computer Data Services</u></p> <p>Replacement of computer servers and improvements to the telecommunications network closet at Borough Hall, installation of WiFi at and acquisition of computers for the Police Department; acquisition of computer equipment for a dispatch station, emergency office communications and the Police Department training room/situation room;</p>	\$180,000	\$171,425	\$8,575	5 years
<p>F. <u>Sewers</u></p> <p>Installation of retrofits on stormwater basins throughout the Borough; and</p>	\$35,200	\$33,520	\$1,680	40 years

The appropriations set forth above also include all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$989,780.

b. The aggregate estimated cost of said improvements and purposes is \$1,393,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of \$49,520 plus the Grant in the amount of \$353,700.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the Borough for the improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. Except for the Grant, in the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Borough as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. 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. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a

resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which 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 said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 14.248 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$989,780 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

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 debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any

bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$989,780. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. 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. 1893-16. Seeing that there was no public participation, Mayor DiMura closed the public hearing.

Council President Kaplan made a motion for adoption seconded by Councilman Greco and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

The Borough Clerk read the following resolution:

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

Consent Agenda 2016(S)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #165-16 and #166-16 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #167-16

Councilman Madden made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

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

Resolution #165-16

The Governing Body hereby hires Kenneth Pine as a laborer in the DPW Sewer Department and in any other capacity as laborer in the DPW effective August 15, 2016 at \$22.34 per hour pending a satisfactory background check, physical (including drug/alcohol test), and driving abstract.

Councilman Schueler made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

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

Resolution #166-16

WHEREAS, the governing body wish to hire Brandon Goldberg as the Borough Administrator effective August 15, 2016; and

WHEREAS, this appointment is pending a satisfactory background check and drug/alcohol test and the approval of Mr. Goldberg's Employment Contract; and

WHEREAS, Mr. Goldberg's annual salary shall be \$100,000.00.

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

1. Brandon Goldberg is hereby hired as the Borough Administrator effective August 15, 2016 at an annual salary of \$100,000 pending a satisfactory background check and drug/alcohol test and the approval of his Employment Contract.

2. This resolution shall take place immediately.

Councilman Schueler made a motion for approval seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

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

Resolution #167-16

The governing body hereby approves the Mayor and Borough Clerk execute the Radio System Memorandum of Understanding with Somerset County effective July 1, 2016 – June 30, 2019 in order to utilize the Somerset County trunking radio system for interoperability during emergencies.

PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

ADJOURNMENT

Councilman Madden made a motion to adjourn the Special Meeting seconded by Councilman Kaplan and carried by a unanimous vote of Council.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk