

Combined Meeting of the Mayor and Borough Council held on Monday, April 28, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:06 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this meeting has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and filing with her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse

Absent: Councilman Melendez

Others Present: Kennedy O'Brien, Mayor
Daniel E. Frankel, Business Administrator
Theresa A. Farbaniec, Municipal Clerk
Jessica Morelos, Assistant Municipal Clerk
Wayne A. Kronowski, C.F.O./Treasurer
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Esq., Borough Attorney

Others Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES - None**

- **PROCLAMATION**

Mayor called forward the Commander from the VFW.

Mayor read the following Proclamation into record.

Proclamation urging all citizens purchase and wear a Buddy Poppy as evidence of our gratitude to the men and women who have risked their lives in defense of the freedoms of our Country.

Borough of Sayreville

Proclamation

WHEREAS, the annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

WHEREAS, VFW Buddy Poppies are assembled by disabled veterans and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual distribution of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living".

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American Citizens.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 28th day of April, 2014 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien, Mayor

ATTEST:

/s/ Theresa A. Farbaniec, R.M.C.
Municipal Clerk

Councilwoman Eicher moved the Mayor's Proclamation be approved on Roll Call Vote. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes. Carried.

Remarks made by Commander Straczynski of the VFW followed by the Auxiliary offering the Buddy Poppies to the Mayor, Council and all present at the meeting.

OLD BUSINESS

a) PUBLIC HEARING ON THE AMENDMENT TO THE 2014 MUNICIPAL BUDGET
(Adopted on April 7, 2014 #109)

- At this time the Mayor opened the meeting to the public for questions or comments on the 2014 Budget Amendment.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street, Sayreville
Questioned what items had been cut from the budget and why there was an increase in Administration.

- The increase was explained by Mr. Kronowski.

She then questioned the Sewerage Treatment & Disposal and the MCUA increase.

Mr. Kronowski explained that the figure is based upon flows and loadings and that we are billed the same rate as the rest of participants in the County. He explained that this line item is for being an adjoining Community to the Landfill and not the Host Community for the Sewerage Plant. This figure is based on what goes to the landfill from the entire county, so if the tonnage drops so than does the community benefit.

Mrs. Kilcomons questioned the increase in Capital Budget and the need for more police vehicles, storage at police range, fire Equipment, DPW vehicles and equipment.

Mr. Kronowski replied that in the Capital Improvement fund is the down payment money used for improvements.

Response by Mayor O'Brien on the need for equipment.

No further questions or comments.

Councilman Buchanan moved the Public Hearing on the Amendment to the 2014 Municipal Budget be closed. Motion seconded by Councilman McGill.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes and the public hearing was closed.

Councilman Buchanan stated that prior to the adoption of the 2014 Municipal Budget he would like to have one last final meeting next Tuesday night, May 6th at 7pm to review the budget before we finalize and adopt it.

All agreed.

b) Public Hearing on the following Ordinance(s):

Mayor called upon Dr. John Misiewicz, Planning Board Chairman to explain the two ordinances.

Dr. John Misiewicz asked the Borough Engineer to review the outline of Ordinance #254(A)-14 and he would explain how the Planning Board got to this point.

The engineer stated that this ordinance allows commercial properties in a R-7 Zone that may have been damaged by Super Storm Sandy or other circumstances, this would allow the conversion of those commercial units into Residential Units.

Dr. Misiewicz stated that what this allows is that instead of going before the Zoning Board to make that change this gives them the ability of not having to do that as long as they meet the front and side-yard setbacks of the R-7 Zone. He gave examples.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #254(A)-14**.

There were no appearances.

Councilman McGill moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #254(A) - 14
AN ORDINANCE AMENDING ARTICLE III OF
CHAPTER XXVI, LAND DEVELOPMENT, OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE TO CREATE
R-7B INFILL OVERLAY RESIDENTIAL ZONE DISTRICT

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

SECTION 1. Section 26-81.1, "Establishment of Zones," of CHAPTER XXVI, "LAND DEVELOPMENT", of the Revised General Ordinances of the Borough of Sayreville, is hereby amended and supplemented by inserting the text **underlined and marked in bold**, to read as follows:

26-81.1. Establishment of Zones. For the purpose of this chapter, the Borough of Sayreville is hereby divided into the following ***twenty-six (26)*** zones known as:

R-20	Single-Family Residential
R-10	Single-Family Residential
R-7	Single-Family Residential
R-7	Planned Residential
(PRD)	Development
R-7B	<i>Infill Overlay Residential Zone</i>

R-5	Single-Family Residential
PD-10	Single-Family Planned Development
PD-7	Single-Family Planned Development
G-1	Garden Apartment
PRIME	Public, Recreational, Institutional Municipal and Educational
B-1	Neighborhood Business
B-2	General Business
B-2 (PUD)	General Business Planned Unit Development
B-3	Highway Business
PO	Professional Office
MW	Marine Waterfront
MW (PUD)	Marine Waterfront Planned Unit Development
SED	Special Economic
I	Industrial
RA-W	Waterfront Redevelopment Area
RA-	Jernee Mill Road
JMR	Re-development Area
OS-C	Open Space – Conservation
OS-R	Open Space – Recreation
O-S	Office/Service Overlay
LI-BS	Light Industrial/Business Service Overlay

26-81.9. Establishment of R-7B Infill Overlay Residential Zone District

As a starting point, it is suggested that a new overlay zone be created and called the ***R-7B Infill Overlay Residential Zone***.

Section 1: Purpose

As a result of obsolescence, economics or natural disasters such as Superstorm Sandy, the purpose and intent of this overlay district is to retain the existing surrounding established residential pattern of development on old abandoned commercial and accessory use non-conforming parcels of land that require infill redevelopment in the existing R-7 Zone.

Section 2: Permitted Uses

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- A. Detached Single Family Dwellings;***
- B. Institutional and Public Uses;***
- C. Essential Services;***
- D. Community Shelters;***
- E. Community Residences.***

Section 3: Accessory Uses

Uses customary and incidental to the principal use and stated in existing R-7 Zone regulations.

Section 4: Conditional Uses

- A. Houses of Worship***
- B. Family Day Care***
- C. Public Utility***

Section 5: Height, Area and Yard Requirements

Height and yard setback requirements shall follow those established under the R-7 Zone. Other zoning criteria regulations such as but not limited to lot width and maximum lot coverage percentage shall not apply for purposes of this infill overlay zone.

(Note: Area and frontage requirements for new single family detached dwellings shall follow those regulations established under Section 8 below)

Section 6: Off Street Parking and Loading Requirements

Off street parking and loading requirements shall be as specified under Section 26-88.1

Section 7: Signs

Signs shall be subject to the sign regulations under Sign Schedule II for R-7 Zone.

Section 8: Prevailing Frontage and Lot Area Conditions

A. Frontage of proposed lots shall be greater than the mean prevailing neighborhood frontage.

Definition:

The Mean Prevailing Neighborhood Frontage of an area shall be determined by taking the average frontage of a PORTION OF THE neighborhood frontages on local streets in the same Zone District within 300 feet of the property in question.

B. Lot area of proposed lots shall not be less than sixty-six (66%) of the standard R-7 Zone lot area requirement.

Section 9 . Severability clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 10. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 11 . Effective date.

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

*/s/ David McGill, Councilman
(Planning & zoning Committee)*

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien, Mayor
Municipal Clerk

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #255-14**.

Dr. Misiewicz explained that for the record there is no B-4 in the Ordinance Title it should be listed as, Ordinance To Create General Village/Residential Zone District. He said that the area starts at Washington Road and Main Street and going up to Sayreville Blvd. He Said that this ordinance would hopefully help bring in new businesses into this area who does not require a lot of parking and if meets the criteria of all setbacks they could open up a business. This ordinance would also clean-up other issues in this area also.

He also explained that these ordinances are being introduced and adopted according to the new Master Plan.

With that being said Mayor O'Brien asked if there was anyone with questions or comments on this ordinance.

Councilwoman Novak questioned the effect this would have on the current businesses in the area.

Response by Dr. Misiewicz.

There were no further questions from the Council nor the public and the mayor called for a Motion.

Councilman McGill moved the Public Hearing be closed and the Ordinance be adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #255-14
AN ORDINANCE AMENDING
CHAPTER XXVI, LAND DEVELOPMENT, OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE TO CREATE
GENERAL/VILLAGE RESIDENTIAL ZONE DISTRICT
(Main Street)

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

SECTION 1. Section 26-81.1, "Establishment of Zones," of CHAPTER XXVI, "LAND DEVELOPMENT", of the Revised General Ordinances of the Borough of Sayreville, is hereby amended and supplemented to expand the Special Economic District by inserting the text **underlined and marked in bold**, to read as follows:

26-81.1. Establishment of Zones. For the purpose of this chapter, the Borough of Sayreville is hereby divided into the following **twenty-five (25)** zones known as:

R-20	Single-Family Residential
R-10	Single-Family Residential
R-7	Single-Family Residential
R-7	Planned Residential
R-7B	infill Overlay Residential Zone
(PRD)	Development
R-5	Single-Family Residential
PD-10	Single-Family Planned
	Development
PD-7	Single-Family Planned
	Development
G-1	Garden Apartment
PRIME	Public, Recreational, Institutional
	Municipal and Educational
B-1	Neighborhood Business
B-2	General Business
B-2	General Business Planned
(PUD)	Unit Development
B-3	Highway Business
B-4	General/Village Business District
PO	Professional Office
MW	Marine Waterfront
MW	Marine Waterfront Planned
(PUD)	Unit Development
SED	Special Economic Development
SED-2	Office/Business Use
I	Industrial
RA-W	Waterfront Redevelopment Area
RA-	Jernee Mill Road
JMR	Re-development Area
OS-C	Open Space – Conservation
OS-R	Open Space – Recreation
O-S	Office/Service Overlay
LI-BS	Light Industrial/Business Service Overlay

26-84.9 Establishment of B-4 General/Village Business District (GVB)

A. Purpose: *The purpose of this district is to encourage increased pedestrian oriented commercial and retail activity in the Borough's Village or Main Street hamlet and to create greater flexibility for a mixed use of commercial and residential components within individual structures to provide a variety of housing options.*

B. Permitted Uses.

- 1. Single and two-family homes existing as of 2013 in accordance with the requirements of the R-5 District.**
- 2. Residential apartments, limited to upper floors when ground floor is nonresidential.**
- 3. Childcare centers.**
- 4. Retail store, except for those enumerated as prohibited uses.**
- 5. Convenience store.**
- 6. Business, professional or medical office.**
- 7. Bank.**

8. *Personal service shop, salon, except for those enumerated as prohibited uses.*

9. *Pick-up stations for laundries/cleaning establishments.*

10. *Restaurant.*

C. *Accessory Uses.*

1. *Indoor storage of goods, which are sold on site (not warehousing), for businesses on site.*

2. *Parking.*

3. *Trash enclosure.*

4. *Fencing.*

5. *Signage.*

D. *Conditional Uses.*

1. *Boat, recreational vehicles and automobile storage, repair and sales.*

2. *Churches and other houses of worship.*

E. *Specifically prohibited uses.*

1. *Adult bookstore/entertainment.*

2. *Amusement facility, video arcade.*

3. *Establishment which trades or sells used merchandise (flea market, pawn shop, used furniture store, antique shop and thrift store).*

4. *Laundromat.*

5. *Establishment which involves tattooing, massage, body piercing.*

6. *Astrologers, cards readers, psychics.*

7. *Substance abuse counseling or treatment center.*

F. *Permitted Gross Density for Residential Apartment Development.*

1. *The permitted gross density for a project in the General/Village Business Zone shall be fourteen dwelling units per acre.*

2. *An Applicant who develops age restricted housing in the General/Village Business Zone shall be entitled to a density bonus of one market unit for each age restricted unit up to a maximum of thirty (30) bonus units.*

3. *Preference List: One-half of the age-restricted market units constructed within the General/Village Business Zone shall be marketed with an equal preference as follows:*

(a) *To current residents of the Borough;*

(b) *To parents and children of current residents of the Borough;*

(c) To persons who were either residents of the Borough within the last five years of the date of the adoption of this ordinance.

(d) To current, active emergency service volunteers of the fire department and the first aid and rescue squads.

(e) To current employees of the Borough and Board of Education.

This preference for the sale or rental of the age restricted units shall take place through the date the developer issues its final construction documents and receives one-half of its construction permits for the development.

In providing this, the developer shall maintain two reservations lists. One list shall contain those qualifying for the above referenced preference. A second list shall be maintained for all others expressing an interest in purchasing or renting a unit from the developer. While the aforementioned preference is in effect, the developer may only offer binding contracts to those qualifying for the preference. After the preference period has expired, the developer then may offer binding agreements to any potential purchaser or renter without preference. The Borough retains the right to review any marketing plans that the developer has to reach the Sayreville preference buyer or renter.

G. Non Residential Development Standards

1. The following standards are divided into three categories (less than 5,000 sq. ft., between 5,000 sq. ft. and 9,999 sq. ft. and 10,000 sq. ft. and greater) with the associated regulations:

a) Small Infill Site (<5,000 sq. ft.)

Minimum lot size: 2,500 sq. ft.
Maximum lot size: 4,999 sq. ft.
Minimum Frontage: 25 feet
Minimum Setbacks:

Front Yards: 15 feet¹
Rear Yards: 20 feet
Side yards: 0 feet
From Residential district: 20 feet

Maximum Building Height: two stories and 25 feet
Minimum Building Height: 14 feet to top of front wall
Maximum Building Coverage: 50%

b. Sites between 5,000 and 9,999 ft:

Minimum Lot Size: 5,000 sq. ft.
Maximum Lot Size: 9,999 sq. ft.
Minimum Frontage: 50 feet
Minimum Yards:
Front: 15 feet²
Rear: 25 feet
Side: 0 feet, but at least 4 feet if provided.

Maximum Building Height: 2.5 stories and 30 feet
Maximum Building Coverage: 50%

c. Lots greater than 10,000 sq. ft.

Minimum Frontage: 100 feet
Minimum Setbacks:
Front yards: 15 feet³

Rear: 30 feet
Side: 0 feet, but at least 12 feet if provided
Maximum Building Height: Three stories and 45 feet
Maximum Building Coverage: 70%

H. Other Standards

1. *Efforts to coordinate the actual and apparent height of adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building. Similar design linkages can be achieved to adjust apparent height by placing window lines, belt courses, and other horizontal elements in a pattern that reflects the same elements on neighboring buildings.*

a) *Large structures should be designed to reduce their perceived height by bulk by dividing the building mass into smaller-scale components.*

b) *Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

c) *Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.*

d) *Residential conversions. The conversion of an existing residential structure to any nonresidential use shall maintain the character of the existing structure and meet all off-street parking and other requirements contained under Section 26-88.1. Any conversion of an existing residential building shall be consistent with the existing architecture.*

I. Parking.

1. *No parking shall be permitted in the required front yard nor between any part of the front building façade and the street right-of-way line.*

2. *Parking areas shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer at least five (5) feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.*

3. *Off-street parking shall not be required for non-residential development for retail businesses occupying 2,500 sq. ft. or less. This provision does not apply to multiple retail spaces in a development.*

4. *Off-street parking shall not be required for businesses located within 500 feet of a dedicated municipal parking lot.*

5. *Parking may also be located fully below buildings, partially below grade in a building, or at-grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.*

6. *For non-residential uses, on-street parking directly fronting a lot shall count toward fulfilling the off-street parking requirement.*

J. Building Design and Requirements.

1. ***Rooftop mechanical equipment shall be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air conditioning equipment, utility boxes and meters, shall be screened by landscaping, walls or decorative fencing.***

2. ***A Minimum of one (1) building entrance shall face the street where there is frontage. On corner lots, at least one street shall have a building entrance. Sidewalks shall be provided within the front yard area for access from the existing sidewalk system.***

3. ***The visual character of building along street frontages and entryways shall be “pedestrian friendly”.***

4. ***Porches shall not be enclosed.***

5. ***Fire escapes are prohibited on the front façade of a building.***

6. ***Signage shall conform to the standards of Sign Schedule II, except that ground sign and pole signs are not permitted.***

K. Trash Disposal/Deliveries.

1. ***Trash disposal areas shall be located as far from residential zone boundaries as possible but in no case shall they be located within seven (7) feet of any residential zone or use.***

2. ***Deliveries and loading activities shall be restricted to weekday/daytime hours.***

3. ***Trash disposal areas are prohibited between the front façade and the street right-of-way.***

4. ***Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination of the two.***

5. ***All provisions and facilities for storage, other than pickup of refuse, shall be contained within a principal building.***

L. SPECIFIC CONDITIONAL USE REQUIREMENTS

A. Boat, recreational vehicle and automobile storage, repair and sales shall adhere to the following standards:

1. ***The minimum lot size shall be 80,000 square feet.***

2. ***The lot shall have a minimum lot width of 200 feet.***

3. ***The lot shall have a minimum depth of 400 feet.***

4. ***An average 20-foot landscaped buffer shall be provided along any residential zone or any residential use, however in no event shall said buffer be less than 10 feet at any such location.***

5. ***Racks which permit more than one boat or vehicle to be stacked vertically on top of one another shall be prohibited.***

6. ***Repair or service of boats, recreational vehicles and automobiles shall be permitted only indoors.***

7. **No boat, recreational vehicle, watercraft or automobile shall be stored between any part of the front building façade and the street right-of-way line.**

8. **All boats or watercraft shall be stored or shored, in such a manner, as to withstand a 45-mile per hour wind.**

**B. Churches and other houses of worship:
See Section 26-85.2**

9. **Severability clause.**

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

10. **Repealer.**

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

11. **Effective date.**

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

/s/ David McGill, Councilman
(Planning & zoning Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #256-14.**

Ordinance explained by Council President Novak.

Appearing was:

- Brian Wright, Pulaski Avenue
Asked if there would be any kickback to the town with this deregulation.
- Mr. Ryan Karr with Commercial Utility Consultants stated that there would not be any kickback. There is no Revenue that is generated by the Municipality. The Legislation was created thru the BPU, Rate Counsel and DCA strictly prohibits it.

Council President stated that the only savings would be to the residents.

Mayor asked if there were any further questions or comments.

There were none.

Council President Novak moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE NO. 256-14
AN ORDINANCE OF THE BOROUGH OF SAYREVILLE ESTABLISHING
AN ENERGY AND NATURAL GAS AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills and gas bills; and

WHEREAS, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the Borough of Sayreville (the “Borough”); and

WHEREAS, the Borough hereby finds that it is in the best interests of residential and non-residential electric and gas ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and gas rates; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Sayreville in the County of Middlesex and the State of New Jersey, duly assembled in public session, as follows:

- 1- The Borough publicly declares its intent to become an aggregator of electric power and natural gas on behalf of its residential and non-residential users of electricity and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
- 2- The Borough will utilize Commercial Utility Consultants’ Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
- 3- The Mayor and Borough Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
- 4- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 5- If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

- 6- This ordinance shall be effective immediately upon adoption and publication in accordance with law.

/s/ Mary J. Novak, Councilwoman
(Sponsor)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

NEW BUSINESS:

- a) Introduction of the following Ordinance(s):

ORDINANCE #257-14
**AN ORDINANCE FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS,
OFFICERS AND EMPLOYEES FOR THE YEARS 2013, 2014, 2015 AND 2016 AS SET
FORTH IN THE S.A.M.S. BARGAINING AGREEMENT**

Councilman Buchanan moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on May 12, 2014. Motion Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes.

ORDINANCE #258-14
**AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2013, 2014, 2015 AND 2016**

Councilman Buchanan moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on April 28, 2014. Motion Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Melendez, Novak, Rittenhouse, all Ayes.

c) Other

CONSENT AGENDA/RESOLUTIONS

Mayor O'Brien opened the meeting to the public for questions or comments on the consent agenda items.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street.

Questioned Resolution #124-219

Council President stated that this Resolution will be acted on separately.

Mayor said we will hear her question now. He said that the Police Motorcycles are being purchased through a grant.

She said it was still unnecessary.

Council President said that these motorcycles would permit a police officer to get to a scene of an emergency quicker because when something happens in town it

becomes a lockdown with traffic and these would enable officers to arrive on scene much, much quicker and that there are more benefits besides this example.

No further questions or comments.

Council President Novak moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote, with the exception of Resolution #2014-128 which is being held over until the May 12, 2014 meeting Consent Agenda. Motion seconded by Councilman Buchanan.

Comments:

Councilwoman Eicher asked if the vendors mentioned in Resolution 2014-122, were for each cart or section within the park and that they be charged \$300.00 for each. There were no objections.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes.

RESOLUTION #2014-112

WHEREAS, all bills submitted to the Borough of Sayreville covering services, work, labor and material furnished the Borough of Sayreville have been duly audited by the appropriate committee;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

That all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien, Mayor

/s/ Councilman Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Lisa Eicher

/s/ Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

**Bill list of April 28, 2014, in the amount of \$5,163,553.53
(Bill List – See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

RESOLUTION #2014-113

WHEREAS, Marullo 2, LLC is the holder of Plenary Retail Consumption License #1219-33-018-009 in the Borough of Sayreville; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its **renewal application for the 2013-2014** license term; and

WHEREAS, on July 6, 2012, Michael I. Halfacre, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-12-7481 for a **two-year period**, covering the **2012/2013 and 2013/2014 license terms**; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the **2013/2014 license term** and to grant or deny said application in the reasonable exercise of its discretion;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that

the Mayor and Borough Council do hereby grant the renewal of Plenary Retail Consumption License No. 1219-33-018-009 to the licensee for the 2013/2014 license term, pursuant to special conditions as contained in the Special Ruling issued by the Director of the State Division of Alcoholic Beverage Control issued on July 6, 2012.

BE IT FURTHER RESOLVED THAT the following Special Conditions remain in effect on the license term 2013/2014

- (a) That this license has the restriction limiting the purpose of said license for consumption only, and not for the sale of packaged alcoholic beverages.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and/or as required by law.

/s/ Daniel Buchanan, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-114

WHEREAS, Shiv Akshar, LLC is the holder of Plenary Retail Consumption License #1219-33-031-005 in the Borough of Sayreville; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its **renewal application for the 2013-2014 and 2014/2015** license term; and

WHEREAS, on August 30, 2013, Michael I. Halfacre, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-13-8180 for a **two-year period**, covering the **2013/2014 and 2014/2015 license terms**; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the **2013/2014 license term** and to grant or deny said application in the reasonable exercise of its discretion;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Council do hereby grant the renewal of Plenary Retail Consumption License No. 1219-33-031-005 to the licensee for the 2013/2014 license term, pursuant to special conditions as contained in the Special Ruling issued by the Director of the State Division of Alcoholic Beverage Control issued on August 30, 2014.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately and/or as required by law.

/s/ Daniel Buchanan, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-115

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an appraiser to provide appraisal services and reports covering five (5) properties as outlined in his appraisal fee report; and

WHEREAS, the Laws of New Jersey provide for such services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A11-5(1)(a)) requires that a resolution authorizing such services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Sayreville hereby appoint the firm of Sockler Realty Services Group, Inc. and that they be paid for said services at a fee not to exceed \$21,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk be and is hereby authorized to forward a true copy of this resolution to, Sockler Realty Services Group, Inc., 299 Ward Street, Suite C, Hightstown, NJ 08520.

/s/ Daniel Buchanan, Councilman
(Admin. & Finance Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**

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/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien
Municipal Clerk Mayor

RESOLUTION #2014-116

WHEREAS, the following applicant has applied for trailer licenses to be used as a temporary office trailer(s):

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Bowen Engineering Corp.	- One (1) Construction Trailer	Blk 174, Lot 1.01, 1 River Rd.
8802 N. N. Meridian St.	- Three (3) Office Trailers	(NRG REMA. LLC)
Indianapolis, IN 46260	- One (1) Storage Trailer	

WHEREAS, said application has been referred to the proper department for investigation and review; and

WHEREAS, a favorable report has been received from the Zoning Officer covering the location of a said trailer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the above-captioned application for permission to locate one (1) temporary trailers for office use.

/s/ David McGill, Councilman
(Planning & Zoning Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien
Municipal Clerk Mayor

RESOLUTION # 2014-117

A RESOLUTION OF THE BOROUGH OF SAYREVILLE

**IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
APPROVING AND AUTHORIZING THE ISSUANCE OF A
SPECIAL EVENT PERMIT TO ST. STANISLAUS KOSTKA R.C. CHURCH
TO CONDUCT A PARISH CARNIVAL**

WHEREAS, St. Stanislaus Kostka R.C. Church has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a Parish Carnival on the property of St. Stanislaus Kostka's Church and School from June 18, 2014 through June 21, 2014.

WHEREAS, it is the belief of St. Stanislaus Kostka R.C. Church that the Parish Carnival provides activities which are family and community oriented;

WHEREAS, the Mayor and Borough Council agree that the event proposed will enhance community spirit; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that St. Stanislaus Kostka R.C. Church is granted permission to conduct a Parish Carnival on the property of St. Stanislaus Kostka's Church and School from June 18, 2014 through June 21, 2014 without posting any fees.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-118

WHEREAS, the Mayor and Council of the Borough of Sayreville is in need of services for the "Maintenance and Repair of Borough Owned Irrigation systems"; and

WHEREAS, the Director of Public Works of the Borough of Sayreville solicited informal price quotations from the following vendors for the "Maintenance of Borough Owned Irrigation Systems":

March 13, 2014 Spring Irrigation, Dayton, NJ	-	\$ 6,575.00
March 19, 2014 Elite Outdoor Services, East Brunswick, NJ	-	\$ 6,725.00
March 17, 2014 Garden Irrigation, Morganville, NJ	-	\$11,225.00
March 14, 2011 – March 14, 2011 –		

WHEREAS, Certification as to Availability of Funds" is annexed hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 28th day of April, 2014, that:

1. Contract for the "Maintenance of Borough Owned Irrigation Systems" Project be awarded to April Showers, Piscataway, NJ who presented the lowest in the informal price quotes for said contract.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-119

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to review drainage problems in the Lee Avenue area and to prepare a report with recommendations at a fee not to exceed \$8,500.00.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-120

WHEREAS, on April 22, 2014 the Mayor and Council of the Borough of Sayreville received bids for the “War Memorial Park Walking Path Replacement”; and

WHEREAS, Certification as to Availability of Funds is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 28th day of April, 2014 that:

1. Contract for the “War Memorial Park Walking Path Replacement” be awarded to JADS Construction Co., Inc. of NJ on their low bid price of \$49,995.00 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-121

WHEREAS, on March 20, 2014 the Mayor and Council of the Borough of Sayreville, have received bids for “Heil Replacement Parts or Equivalent”; and

WHEREAS, Certification as to Availability of Funds” is annexed hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 28th day of April, 2014, that:

1. Contract for “Heil Replacement Parts or Equivalent” be awarded to THC Enterprises, Inc., t/a Mid-Atlantic Waste Systems, Chester, PA 10913, on their bid price of 10% Discount of Heil Parts List #13014 submitted, as appears on copy of bid document attached hereto and made a part hereof.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-122

BE IT AND IT IS HEREBY RESOLVED that the Borough of Sayreville hereby grants a waiver of all municipal fees associated with Special Event Permits and Food Handlers permits for the June 28, 2014 Independence Day Celebration (June 29, 2014 rain date) and that these fees are hereby incorporated into one general "Special Permit/Fee" which will be issued by the Recreation Department for this event and that said fee will be in the amount of \$300.00.

BE IT FURTHER RESOLVED this action does not eliminate the requirement for each vendor to file applications and obtain the necessary permits and inspections from the Board of Health, Construction Department, Fire Prevention and the Municipal Clerk, as applicable.

BE IT FURTHER RESOLVED that the Recreation Department must supply the Board of Health, Fire Official, Municipal Clerk and the Police Chief with a list of all vendors in order to insure that the proper permits are obtained from their respective departments, if necessary.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

RESOLUTION #2014-123

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Open Competitive Procedures:

NAME OF APPOINTEE: Elzbieta Kuras
POSITION: Clerk II
DEPARTMENT: Construction Office
EFFECTIVE: April 29, 2014

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Civil Service Commission.

/s/ David McGill, Councilman
(Planning & Zoning Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-124

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Open Competitive Procedures:

NAME OF APPOINTEE: Joan Kemble
POSITION: Clerk II
DEPARTMENT: Construction Office
EFFECTIVE: April 29, 2014

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Civil Service Commission.

/s/ David McGill, Councilman
(Planning & Zoning Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-125
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
ADOPTING A NEW PURCHASING POLICY

WHEREAS, the Borough of Sayreville has determined the need to enact a policy wherein all purchases made by the Borough are made by a Central Purchasing Department; and

WHEREAS, the Governing Body of the Borough of Sayreville has conducted all purchasing according to N.J.S.A. 40A:11 et. seq., the Local Public Contracts Law, and the attendant rules of N.J.A.C. 5:34 et. seq.; and

WHEREAS, the Governing Body of the Borough of Sayreville wishes to streamline its purchasing policies and initiate all purchasing for any and/or all departments of the Borough of Sayreville from a Central Purchasing Department; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey enacts the following Purchasing Policies for all purchases on behalf of the Borough of Sayreville:

- 1. General**
 - a. Purchase Orders will be issued on GFMS and subject to approval by the Chief Financial Officer and Purchasing Manager.
 - b. No Department has the right to make purchases without a Purchase Order.
 - c. All new purchases must be made using a Purchase Order. Departments shall not make new purchases using a Payment Voucher.
 - d. Payment Vouchers shall only be used to pay bills under an existing contract with the Borough, or with the prior approval of the Chief Financial Office.
 - e. No employee shall make out of pocket purchases without prior written consent of the Chief Financial Officer or Purchasing Manager. No reimbursement will be processed without written consent to the Purchase Order.

2. Payment Policies

- a. All Borough payments are approved by the Governing Body at their regular meetings. The Purchasing Manager shall release a schedule of meetings along with payment Close Out dates on an annual basis.
- b. Completed payment claims must be submitted to the Finance Department by the Close Out date to assure timely payment.
- c. A payment claim is considered complete when the order has been fulfilled, and an original invoice has been submitted to Finance along with the Purchase Order that has been signed by the Vendor and Department Director. No exceptions.
- d. The Borough of Sayreville is exempt from taxes and does not pay late fees or interest fees.

3. Purchase Thresholds

- a. The Purchasing Manager shall notify all Departments of the current Quote and Bid Thresholds issued by the State of New Jersey as they become available.
- b. Any department wishing to purchase items over the Quote Threshold shall contact the Purchasing Manager before requesting a purchase order, as the purchase will require three quotes or purchase from an approved Cooperative Purchasing Program.
- c. Any purchase over the Bid Threshold requires a resolution of the Governing Body. If the purchase is not being made from an approved Cooperative Purchasing Program, the purchase must be made through competitive bid procedures in accordance with Local Public Contract Laws of the State of New Jersey.
- d. Thresholds shall be on a per order or annual total, whichever is greater. No Department shall divide purchases in order to circumvent the Quote or Bidding Thresholds.

4. Obtaining Quotes

- a. When a purchase exceeds the Quote Threshold, the Purchasing Manager shall be responsible for obtaining quotes for the requested items/service. Departments must submit a detailed request for quotes in writing to the Purchasing Manager with sufficient time to allow for processing of the request and delivery of the requested items/service. The Department Director may assist the Purchasing Manager to obtain quotes from time to time.

5. Cooperative Purchasing

- a. The Borough participates in several Cooperative Purchasing programs approved by the State of New Jersey. All departments are encouraged to use these programs for purchasing whenever possible.
- b. Purchases made through the programs are subject to the Purchase Thresholds of the Borough of Sayreville.
- c. Cooperative Contracts are for specific items through a contracted vendor. Departments wishing to take advantage of a Cooperative Purchasing contract shall notify the Purchasing Manager. The Purchasing Manager shall verify the items being purchased are on the contract.
- d. The Purchasing Manager shall maintain a list of approved Cooperative Purchasing Programs and keep records of current contracts on file. The Purchasing Manager shall also notify all Departments upon enrollment with a new Cooperative Purchasing program, or in the event the Borough withdraws participation in an existing program.

e. Departments may request to join Cooperative Purchasing by submitting a request in writing to the Purchasing Manager, who shall investigate the program and make a recommendation to enroll to the Governing Body.

6. Bids

a. When a proposed purchase exceeds the Bid Threshold and is not being made through an approved Cooperative Purchasing Program, it must be made using formal bidding procedures.

b. The Department shall submit a written request to the Chief Financial Officer to be placed on an upcoming Council Agenda.

c. The Purchasing Manager shall consult with the Department to prepare the plans and specifications before authorization at a regular meeting of the Governing Body.

d. Upon Authorization, the Borough Clerk shall advertise and receive the bids.

e. The three (3) lowest bids will be returned to the Purchasing Manager for review with the requesting Department Director and recommendation will be made to the Governing Body to award a contract or reject the bids upon attorney review.

f. These bid policies shall not apply to projects managed by the Borough Engineer.

/s/ Daniel Buchanan, Councilman
(Admin. & Finance Committee)

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien,
Municipal Clerk Mayor

RESOLUTION #2014-126

BE IT RESOLVED, that the Purchasing Manager is hereby authorized and directed to prepare the necessary Plans and Specifications for **Plumbing Services** and upon approval the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien
Municipal Clerk Mayor

RESOLUTION #2014-127

**RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, CONSENTING TO EXTENSION OF
MEMORANDUM OF UNDERSTANDING (“MOU”) WITH VG RESOURCES AT SAYREVILLE, LLC AS
APPROVED BY THE SAYREVILLE ECONOMIC & REDEVELOPMENT AGENCY (“SERA”)**

WHEREAS, SERA had been authorized by the Mayor and Borough Council of the Borough of Sayreville (the “**Borough**”) to determine the highest and best use of certain

properties for redevelopment and the Planning Board to undertake a preliminary investigation to determine whether certain properties including the Sayreville Landfill No. 3 (the “Site”) could be designated as areas in need of redevelopment according to the criteria set forth in the Act, specifically at N.J.S.A. 40A:12A-5 (a “Redevelopment Area”); and

WHEREAS, the Act provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Planning Board had been authorized by the Mayor and Borough Council of the Borough of Sayreville (the “Borough”) to undertake a preliminary investigation to determine whether certain properties including the Site could be designated as redevelopment areas according to the criteria set forth in the Act, specifically at N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board determined that the Site could be designated as a Redevelopment Area; and

WHEREAS, SERA has determined that the highest and best use of the property is likely to be a power plant; and

WHEREAS, CME Associates as Borough Engineer, prepared a Request for Proposal (“RFP”) for redevelopment of the Site; and

WHEREAS, VG Resources Limited Liability Company (“VG”), an affiliate of VG Resources at Sayreville Limited Liability Company (“VGS”), submitted a proposal (the “Proposal”) to redevelop the Site as a power plant (the “Project”); and

WHEREAS, VG, with the consent of counsel for SERA, did assign all of its rights, title and interest in the Project to VGS; and

WHEREAS, the Governing Board Body of the Borough of Sayreville had previously authorized SERA by Resolution # 2012-61 to proceed with the Project as outlined in the MOU;

WHEREAS, pursuant to Phase 1 Planning Stage of the MOU, the Planning Board was required to undertake and prepare a Study (the “Study”) in accordance with the Local Redevelopment and Housing Law (“LRHL”) to determine the Site is an “Area in need of Redevelopment” as defined under the LRHL and to prepare a redevelopment plan; and

WHEREAS, SERA was to approve the Study and recommend same for adoption by the Planning Board in anticipation of the Mayor and Council adopting a redevelopment ordinance approving the redevelopment plan for the Site; and

WHEREAS, due to unforeseen delays, the Borough did not adopt the redevelopment ordinance approving the redevelopment plan for the Site until December 16, 2013; and

WHEREAS, pursuant to Phase 1 Planning Stage of the MOU, VGS was to obtain interim financing to fund the necessary market study and all of the preliminary planning and engineering plans for the Project; and

WHEREAS, VGS’ ability to secure funding commitments were stymied since VGS could not definitively demonstrate that the Site had been assigned the necessary “Area in need of Redevelopment” designation and that VGS had secured the requisite site control to proceed with Project; and

WHEREAS, VGS requested a six month extension to present both the terms of its financing commitment and the results of the market study to SERA as originally contemplated by the MOU; and

WHEREAS, SERA by Resolution dated January 23, 2013 granted a six month extension to VGS to comply with the terms of the MOU; and

WHEREAS, the Governing Body of the Borough of Sayreville believes it is in the Borough’s best interest to consent to the extension of the terms of the MOU for the reasons set forth above insure the redevelopment of the Site.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Council of the Borough of Sayreville hereby consents to the granting VGS a six month extension as approved by the Sayreville Economic & Redevelopment Agency to present both the terms of its financing commitment and the results of the market study as originally contemplated by the Memorandum of Understanding.

/s/ David McGill, Councilman
(Planning & Zoning Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

BUDGET RESOLUTION 2014-128

BE IT RESOLVED by the Council of the Borough of Sayreville, County of Middlesex that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 27,541,317.68 for municipal purposes, and
- (b) \$ 0 for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ 0 to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 456,090.02 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.
- (e) \$1,454,832.68 Minimum Library Levy (R.S. 40:54-8 et seq.)

RECORDED VOTE
AYES **NAYS** **ABSTAINED** **ABSENT**

SUMMARY OF REVENUES

GENERAL REVENUES	
Surplus Anticipated	\$ 3,000,000.00
Miscellaneous Revenues Anticipated	\$ 21,256,573.93
Receipts from Delinquent Taxes	\$ 1,000,000.00
 AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	 \$ 27,541,317.68
 AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	 \$ 1,454,832.68

TOTAL REVENUES \$ 54,252,724.29

SUMMARY OF APPROPRIATIONS

GENERAL APPROPRIATIONS

WITHIN "CAPS"

(a&b) Operations Including Contingent \$ 36,550,561.00
(e) Deferred Charges and Statutory \$ 4,051,992.36
Expenditures – Municipal

EXCLUDED FROM "CAPS"

(a) Operations – Total Operations Excluded
From "CAPS" \$ 5,372,498.93
(c) Capital Improvements \$ 450,000.00
(d) Municipal Debt Service \$ 4,692,383.00
(e) Deferred Charges – Municipal \$ 1,000,000.00
(m) Reserve for Uncollected Taxes \$ 2,135,289.00

SCHOOL APPROPRIATIONS – TYPE I SCHOOL
DISTRICTS ONLY (N.J.S. 40A:4-13)

TOTAL APPROPRIATIONS \$ 54,252,724.29

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the governing body on this 28th day of April, 2014. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2014 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

/s/ Daniel Buchanan, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION TO BE READ IN FULL & VOTED ON

RESOLUTION #2014-129

WHEREAS, on April 22, 2014 the Mayor and Council of the Borough of Sayreville, have received bids for "Two (2) 2014 Harley Davidson FLHP, Law Enforcement Vehicles"; and

WHEREAS, Certification as to Availability of Funds" is annexed hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 28th day of April, 2014, that:

1. Contract for Two (2) 2014 Harley Davidson FLHP, Law Enforcement Vehicles" be awarded to Harley Davidson of Long Branch, Long Branch, NJ on their bid price of \$34,532.00, as appears on copy of bid document attached hereto and made a part hereof.

/s/ Arthur Rittenhouse, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time the Mayor opened the meeting to the public for questions or comments on Resolution #2014-129.

Those appearing were;

- o Brian Wright, Pulaski Avenue

Mr. Wright asked if the borough looked into purchasing the Cushman's as a viable alternative to the motorcycles.

The Business Administrator stated that all possible vehicles were looked into and this is the recommendation from the Police Chief and that they are being purchased through grants.

No further questions or comments.

Councilwoman Novak moved the Public Hearing be closed and the Resolution adopted on Roll Call Vote. Motion Seconded by Councilman McGill.

Comments:

Councilman McGill commented that along the lines of what Mrs. Kilcomons commented that on State highways two wheel cycles are dangerous, however on local service streets police motorcycles work very well for traffic safety and traffic investigation.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Novak, Rittenhouse, all Ayes. Carried.

Business Session Agenda – April 28, 2014

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

Councilman Buchanan moved the following the following Minutes or Reports be Received & Filed:

- Board of Education Minutes of April 1, 2014
- Municipal Clerk's Report for the month of March, 2014
- Investment Report for the months of Jan., Feb. 7 March, 2014

Motion seconded by Councilwoman Novak.

b) Received the following **application(s) for Bingo/Raffle Licenses from:**

- 1) **Amending** application date and place for #RL 1865A received from **Faith and Trade Helping Hands** to Sept. 14, 2014 Kennedy Park.
- 2) **St. Stanislaus Kostka Church** to conduct an Off-Premise Draw Calendar Raffle on 19 dates from Aug thru Dec, 2014 - RA:1871.
- 3) **Traveling Knights of Old Bridge** to conduct an On-Premise Draw (Tricky Tray) on June 6, 2014 at the VFW Post 4699 – RA:1872.

- 1-3) **Approved**

3) Public Hearing Notice received from Public Service Electric & Gas for BPU Approval of Electric and Gas Base Adjustment Pursuant to Capital Infrastructure Investment Program Extension.

- Dates and times posted on bulletin board.

- **Receive & File**

c) **2014 Tax Appeal(s) received from:**

Plaintiff/Petitioner	Block	Lot	Address
Enchante Realty Associates, LLC	326.01	2	500 Kennedy Drive
Anita Modzelewski Boschitsch	347.05	189	Burts Creek Terrace
Jeanett Burgos	449	10.13	100 Woodlake Drive

- **Forward to Tax Counsel**

d) Committee Reports – Progress.

- **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

Councilman McGill moved the following Minutes/Reports be Received & Filed:

- Board of Adjustment Minutes of March 26, 2014
- Planning Board Minutes of April 2, 2014
- Middlesex County Planning Board Minutes of February 11, 2014
- Sayreville Housing Authority Minutes of March 11, 2014
- Construction Official and Zoning/Code Enforcement Report for the month of March, 2014.

Motion seconded by Councilwoman Novak.

b) **Notice to Sayreville as Adjacent Property Owner(s)** received from:

1) Twp. of East Brunswick on the adoption of an Ordinance Amending Chapter 132 of the Twp. Code of East Brunswick entitled “Land Use Procedures”.

2) City of South Amboy on an application before their Planning Board received from Peron Development/South Amboy II, LLC for premises located at Block 22, Lot 3.03 and Block 24, Lot 2.03 along John T. O’Leary Blvd seeking to amend preliminary and final site plan approval to construct 12, three story residential apartment buildings, consisting of 126 units.

1 & 2)-Receive & File

c) **Application** received from 3D Group to locate One (1) **Construction Office Trailer** at 963 Route 9, Block 440, Lot 4 & 4.01.

- Approved/Resolution.

d) Committee Report: Progress.

- **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports: None**

Councilman Rittenhouse moved the following Minutes/Reports be Received & Filed:

- Board of Health Minutes of March 6, 2014
- Board of Health Registrar’s and County Reports for the month of March, 2014.
- Police Chief’s Reports for the month of March 2014.
- Fire Prevention Reports for the month of March, 2014.
- Court Administrator’s Report for the month of March, 2014.

- Motion seconded by Councilman Buchanan.

b) Request received from the **Sayreville Emergency Squad** to conduct their **Annual Fund Drive** during the Month of May, 2014.

- Approved.

c) Request received from the American Legion Auxiliary Lenape Post 211 for permission to sell American Legion Veteran’s Poppies to Sayreville residents from May 1-31, 2014.

- Approved.

d) Request received from **American Cancer Society’s Relay for Life of South River** for authorization to **hang promotional banners** from April 30-May 16, 2014 at the following location, advertising their Relay for Life event scheduled for May 17, 2014:

- Pole JC519SE/JC279SE – Washington Road & Bissett St. (County Approvals Received)

- Approved

e) Committee Reports- Councilman Rittenhouse

1) Read a letter into record received from Stan Cafaro thanking the fire and police officials who responded to a garage fire on April 4, 2014 on Dane Street which backed up to his garage on Joseph Street as the Dane Street garage was a total loss if it were not for the immediate response and efforts to contain the fire and prevent it from spreading his garage

would have also sustained major damage or be destroyed. He said that he was notified immediately and when arrived home they were in his garage with fans to clear the dense smoke which filled the entire structure. He said that Mike Bailey, John Magaw, Kevin Krushinski, Chuck Wojtaszek helped him in securing his garage and did not leave until everything was completed. Matt Kurtz of the Police Department took the statements from him and the landlord. This was his first experience with the volunteers of Sayreville and the professionalism and courtesy extended was overwhelming and thanked all. Signed Stan Cafaro.

2) Another letter received from a resident who had a heart attack and in the letter it stated that his doctor said it was called a widow maker and if it was not for the efforts of our Sayreville Emergency Squad he would not have pulled through. Signed by Walter Kapica.

3) Councilman Rittenhouse also thanked the volunteers for their assistance during the parade that was in town because they had to reposition themselves around town in order to be more easily accessible.

4) He attended the Green Event at the upper elementary school and thanked Elyse Barone and the staff for the excellent job.

5) Sayreville Athletic Association's Opening Day had a nice event and yesterday was the 20th Anniversary of the Dwarkadhish Temple and parade celebration.

- **RECREATION – Councilwoman Eicher**

a) Councilwoman Eicher moved the following Minutes/Reports be Received & Filed:
- Recreation Director's Report for the month of March, 2014
Motion seconded by Councilwoman Novak.

b) Application for **Special Event Permit** received from:

1) **Robert J. Caramella-RJC Charities, Inc.** to conduct a Charity Car Show on June 22nd from 9am-3pm (rain date July 27th) at Sayreville High School. (all reports received)
- **Approved.**

c) Committee Reports – Councilwoman Eicher:

1) The Recreation Dept. thanked the Recreation Advisory Board for their assistance with the Easter Egg Hunt.

2) Reported on other various recreation sponsored events and registrations.

3) Reported on the importance of the Relay for Life Event and requested the Sayreville Council adopt a joint resolution with South River making every third Saturday in May - Sayreville/South River Relay For Life Day and asked that the borough attorney prepare same. She asked for all to participate and explained how to register.

Mayor asked if there was any objection to this Resolution. None being made it will be placed on the Consent Agenda Resolution list at the next meeting.

- **WATER & SEWER/ENVIRONMENTAL – Councilman Melendez (Absent)**

a) Councilwoman Eicher moved the following Minutes/Reports be Received & Filed:
- Water & Sewer Directors Report for the month of March, 2014.
- **Motion seconded by Councilwoman Eicher.**

b) Committee Reports- Progress

- **PUBLIC WORKS – Council President Novak**

a) Councilwoman Novak moved the following Minutes/Reports be Received & Filed:
- Office on Aging Supervisor's Report for the month of March, 2014
- **Public Works reports-**
Divisions of Bldg. & Grounds, Parks, Garage Service Services,
Road & Sanitation and Recycling Coordinator's reports
for the month of March, 2014.

Motion was seconded by Councilman McGill.

b) Committee Reports-Council President Novak.

- 1) Reported on Sayreville Athletic Association opening day and wished them a great season with no injuries.
- 2) Green Event at the Upper Elementary School.
- 3) Requested that anyone inviting the governing body to an event that they do not place it in a separate envelope for each, just bring copies for their folder.
- 4) Wished the Temple congratulations on their 20th Anniversary.
- 5) Requested that at the first meeting in May members of the squad come to be recognized for their good deeds.

• **MAYOR – Kennedy O'Brien**

1) Mayor announced that the Knights of Council #2061 of Our Lady of Victories Church selected our CFO Wayne Kronowski as Polish Man of the Year 2014.

• **BUSINESS ADMINISTRATOR – Daniel E. Frankel**

- **Admin. & Finance**

- a) Authorization to execute a Discharge of Mortgage Subordination Agreement for property located at 9 Birch Terrace, Block 32.05, Lot 48.

- Approved/Resolution.

- **Planning & Zoning**

- **Public Safety**

- b) Notice received from NJDOT that from May 8 – May 16th there will be a road closure and detour on Route 35 and to consult traffic and sign up for Nixel.

- **Public Works**

- a) Request for approval changing the title of one employee in the Dept. of Public Works from Mechanics Helper to Mechanic.

- Approved/Resolution.

- **Recreation**

- a) Request for approval changing the employment status on one employee in the Recreation Department from Part/Time to Clerk I-Full Time, effective April 29, 2014.

- Approved/Resolution.

- **Water & Sewer**

- a) Notice received from Walter Lesinski advising of his retirement after his 31 years of service as Supervisor - Water & Sewer effective August 1, 2014.

- b) Notice that the 2014 Consumer Confidence Reports were filed and distributed by the Director of Water & Sewer on April 21, 2014.

- c) Authorization to execute an amendment to the AES Red Oak LLC Water Supply Agreement and upon review and approval by the Borough Attorney we will have a Resolution prepared approving the amendment.

- Approved/Resolution.

- **Personnel**

- **Executive Session Items**

• **C.F.O.- Wayne Kronowski**

- a) Bill List Resolution

- b) Dedication by Rider Resolution for the receipt and expenditure

of funds confiscated during police narcotics investigations.

- **BOROUGH ENGINEER - Jay Cornell**
 - a) War Memorial Park Walking Path Replacement – Receipt of Bids
- Awarded tonight.
 - b) Improvements to Ernston Road – Receipt of Bids (Report Attached)
- Approved/Resolution.
 - c) Former Bordentown Avenue Water Treatment Plant – Proposed Building
Modifications (Report Attached)
- Financing discussed by CFO Kronowski and both he and Business Admin.
recommend this move. Mayor followed-up by asking that Councilman Melendez and
his committee be borough up to speed on this project.
- **BOROUGH ATTORNEY - Michael DuPont**
None

PUBLIC PORTION

- Peter & Doreen Kopa, 217 Main Street
- Came home from work to a broken waterline, explained their dilemma on trying to
get someone out to the home. Upset about permit process and could not believe the
cost was the homeowners responsibility when the town has old waterlines. They
suggested some type of insurance like worry free offered by PSE&G.

Mayor asked the business administrator to bring it up at the next JIF Meeting and
that a pre-approved contractors list be maintained for lateral replacement. He also
said that the process would be looked at and modified.

Mayor commented on water main breaks in town and apologized for the trouble
that they went through.

Business Admin. said that the Water Dept. Employees were out on multiple times
and they were there to try and help but the problem was at the juncture. It wasn't
the water dept. response but the problem that you had. The residents agreed.

- Brian Wright, Pulaski Ave.
Commented that Sayreville should have a Homeowners Advisory Board.
- George Giovenco, 204 Main Street
Felt that something needs to be done, he lives on Main Street and this could happen
to him. Ordinance needs to be looked at. The pipe is something that the
homeowner cannot maintain or look at or do anything about.

Mayor explained the number of water laterals in town as well as sewer laterals and
storm sewers and the cost associated with the replacement of them. And that the
majority of surrounding towns the residents are responsible for the laterals not the
town and that we are going to look into an insurance pool.

Mr. Giovenco mentioned two properties on Main Street #199 and 211, which have
been vacant and in disrepair going on five years.
Mayor asked that he leave his contact information with the Clerk so the matter can
be looked into and we can get back to him.

- Charles Lukie, Melrose
Stated he experienced a water main break recently and no one received any
information on it.

Complained about the dust blowing out of the NL Site-The Point and concerned
about carcinogens in the blowing dust.

The engineer explained that there are different operations going on at the site. The material was explained by the engineer. Engineer will contact the developer.

- Joe Tulipani, 38 Tanbark Drive, Parlin.
President Sayreville Soccer Assoc. and
- Tom, 115 Main Street, Vice-President.
Discussed the Sayreville Soccer field being in need of improvement, constant flooding and feel that the field is being ignored and cannot let the kids play. Need help with field 3 through 8. He also indicated that when the fields flood they do not have any place for the kids to play.

Mayor commented on what he thought they (the borough) tried to do in the past, the last time they came before the Council. He said that Councilwoman Eicher is the Recreation Liaison and said that we need to take a whole look at the complex again - the parking and the fields. He said that money is tight so he's looking to do some grant writing and may not happen this spring & summer season. Mayor recommended the Soccer Association put together a long and short plan for the improvements for the complex and meet with Councilwoman Eicher, Jerry Ust and the Engineer and put together a five-year plan.

The engineer stated that one of the problems for that complex is over use. You would need to take one of the fields out of service and let it re-establish itself.

The Association asked why they cannot use Board of Education School fields.

Mayor said that they would look into why.

- Tom

Said that everything for the soccer association is ran by volunteers and asked that the borough meet them some of the way through these problems. He agreed that they should have a projected Capital Plan but there are things that need to be done in the short term and asked for support with that.

Mayor asked if a compaction study had ever been performed on that property. The Engineer replied that it had been done but do remember that that property had been capped so the underlying property is not the greatest.

Mayor asked that they meet and put together a plan to move forward.

- Brian Wright, Pulaski Avenue
Commented that the Soccer Association have not seen any councilmember in attendance at the Mayors Cup or game.

Mayor responded that 99% of the time the problem is communication. He told them that they have good help with Councilwoman Eicher being on Recreation and the Firemen to lay out their 5 year Capital Plan and hope to get it going. Think the issue is lack of the plan.
- Elizabeth Perrero, Fanwood.
She said that her daughter is on the Soccer Assoc. and for 10 years she has heard that good things are coming and nothing is done and the fields are embarrassing.
- Dr. John Misiewicz, Sayreville Planning Board
Explained that during this whole next year the Planning Board will be amending and adopting Ordinances to co-inside with the Master Plan.
- Councilwoman Novak commented that when on the council in the 1990's she attended every Mayor's Trophy Game and had all four of her kids play soccer back

then, but however since have not been invited to a Mayor's Trophy Game. Now has one grandson that plays and he makes her attend.

- Councilwoman Eicher stated that there is a Recreation Advisory Board meeting on Thursday and will bring up the Soccer Field issues with them and will call Jerry Ust tomorrow and have him set up a meeting with Joe and the Vice-President. She explained that there are 17 parks and only 5 park employees that take care of every field – baseball, soccer or playground. So this is where volunteerism comes in because 5 people to do all that work is difficult. But will work on the issues and try to get improvement.

Mayor asked if there were any further questions or comments.

There were no further appearances.

Council President Novak made a motion to close the public Portion. Motion seconded by Councilman Rittenhouse.

Roll Call: Voice vote, all Ayes.

- **EXECUTIVE SESSION ITEMS** - None
- **ADJOURNMENT**

No further business.

Councilwoman Novak made a motion to adjourn. Motion seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes.

Time: 9:04 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date