

Combined Meeting of the Mayor and Borough Council held on Monday, July 28, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:03 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 (via telephone conference for a portion of the meeting), McGill, Melendez, Novak, Rittenhouse

Absent: None

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

Others Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Council President Novak moved the following minutes be approved on Roll Call Vote, subject to correction if necessary.

- ✍ June 19, 2014 - Receipt of Bids  
(Electrical Work & Repairs; 95 Gallon Waste Containers)
- ✍ June 23, 2014 - Combined Meeting & Executive Session
- ✍ June 14, 2014 - Special Meeting (Police Officer Interviews) & Executive Session #1
- ✍ July 14, 2014 - Combined Meeting & Executive Session #2
- ✍ July 15, 2014 - Receipt of Bids (Routine/Emergency Repairs to Water, Sewer Road & Storm Sewer Infrastructure; Monroe or Equivalent Ten Yard Salt Spreader with Hydraulic Calcium Chloride pre-Wetting System for Snow Removal)

Motion was seconded by Councilman McGill.

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

- **EXECUTIVE SESSION –**

Mayor O'Brien announced that the Council will be going into Closed Session.

The Borough Attorney read the following Resolution into record:

**RESOLUTION FOR CLOSED SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10 minutes to discuss the following matters:

- Litigation & Contract Negotiations

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

**NOW, THEREFORE BE IT RESOLVED** that the public be excluded and this resolution shall take effect immediately.

/s/ Mary Novak, Council President

APPROVED:

/s/ Kennedy O'Brien  
Mayor

Council President Novak moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes. Carried.

Time: 7:07 PM

• **RECONVENE**

Council President Novak moved to reconvene the meeting. Motion was seconded by Councilman Buchanan.

Time: 7:41 PM

Roll Call: Voice Vote, all Ayes.

Note: Councilwoman Eicher did not conference call back into the meeting when it reconvened.

• **PRESENTATIONS:**

☞ **Gerald M. Ricciardi, Jersey Central Power & Light area representative**

- Information regarding a new management team.
- Reviewed the recent upgrades to the Raritan River Sub Station which was a 2.4 million dollar project; Feltus Street Sub-Station circuit up-grades.
- Reviewed future up-grades and improvements
- Communications upgrades
- Road Opening process
- Use of facebook to report outages.

☞ **Phoenix Advisory – Report on Chase Partners Pilot Agreement**

Speaking on behalf of Phoenix Advisors was David Thompson, CEO Phoenix Advisors.

He began by saying that their projection is much more conservative than that of the Developer. Overall it meets and exceeds all of the thresholds for “Pilots”. The gross revenue of the project to the borough starts out at 10% and moves upward as it approaches the 15<sup>th</sup> it goes to 80% of what your taxes would be, so this plan is not stretching out over the full 25 years to get where it needs to be. He said that the important thing in any pilot is what the revenues to the borough are going to be vs. the cost of services the borough would have to provide to a particular project. He said that the very best in any pilot project is a commercial project. The more residential it becomes the more difficult it is. This project has one and two bedroom apartments, no three. It is geared with senior affordable apartments (22 units). The rest of the apartments are geared towards seniors and empty nesters. It is not a child friendly development. There are no parks and swings, etc. which would create a family friendly environment with school age children. He agreed with the developer in their impact proposal of approximately 12 children coming from this project.

school age in the instance. He spoke about the cost of educating a child in Sayreville and how much it would cost the school district. He felt that it would be a break even for the schools based upon the land tax that would be paid – not the Pilot. The land tax is shared between the school, municipality and the county. The revenues from the Pilot are cut by 5% because the county under statute gets 5%. He see revenues of just over \$200,000. to the borough from this project and the impact on municipal services would be some police, fire and EMT calls. It would not be any additional policemen or fire districts. He stated that in their opinion without question this is a revenue positive project to the borough. He said that the developer in this case worked fully with Phoenix providing them with any required information. Reported that what the developer put on the table was well thought out and is of benefit to the borough and clearly a benefit to the developer. This is a situation that is a win-win scenario.

Councilman McGill said that he recognized that he clearly had a past in Public service and asked him what that was. Mr. Thompson replied that he served as a member of the governing body of his town, the Mayor, School Board member. Mr. McGill asked then if he had any dealings with pilots of this such in his town. Mr. Thompson said that these programs were not around then, but if he had something like this coming into his town he would have a smile. Although they do not give recommendations they give a report and an analysis.

Councilman Rittenhouse questioned how the developer came up with the number of students. Mr. Thompson responded on what methods and studies they used.

Councilman Rittenhouse expressed his concerns and annoyance on the developer not reaching out to the Board of Education on the impact and the School Boards “Project 2030” and the fact that SERA also did not reach out to the School Board as he also requested. Stating that someone needs to deal with the Sayreville Board of Education. Review what their projections are for the next several years and what impact it would have with that, so until that is done he cannot vote for the resolution for the Pilot.

Mr. Thompson spoke that the there has been virtually no growth and in the last year it has been down just a tad.

Councilwoman Novak said that the area that will be knocked down we will potentially be losing school students.

Mayor O’Brien requested that they bring this to the Board of Education and review it with them and let them take a closer look at it. He said that he understands that Sayreville does have a housing shortage but would like consensus from the Board of Ed.

Councilwoman Novak indicated that if we go along with the Pilot all the money goes to the borough and nothing goes to the Schools.

Councilman McGill made a motion to introduce the Ordinance for this by Title only. Motion seconded by councilwoman Novak.

Mayor indicated that he did not finish his comment – that he is not objecting to the project he is just looking for consensus from the School Board which is where the largest part of our tax dollar goes. Would like them to see this so they are fully aware of what is going on and move forward it has nothing to do with the merits of the project.

Councilman McGill said that he lives in the area and would like this moving through.

Councilman Buchanan asked Mr. Thompson to explain the Rutgers Study that they used.

Mr. Thompson explained the Rutgers Study by Professor Lipkin as well as the one in the Meadowlands that he mentioned earlier.

Mayor commented on the number of children coming out our largest apartment complex and our largest condominium complex, where the developer first thought this would be a first home purchase for many of them also. So what that methodology says today may not be true in the future and would be more comfortable with the School Board reviewing the Pilot program and its impact.

**Councilman McGill withdrew his motion** in order to hear more testimony from the developer. Motion to withdraw seconded by Councilwoman Novak.

Councilman McGill commented that the businesses in that area are having a hard time making it and the area needs revitalizing.

Councilwoman Novak told the Mayor that this review was requested at the last meeting and would like a decision. She also indicated that that they will still be getting school tax from the property value so they are still getting some money.

Councilman Rittenhouse requested that they meet with the Board of Education a couple of months ago and if they had this section of the report would not be the way is.

Bob Benekie, Benekie Economics

Stated that he prepared the Pilot Program for Chase Partners/Highview Homes and they also prepared the school study. He indicated that the school study is based upon the number of children that will be generated from this project is based upon the center for urban policy research that David from Phoenix pointed out from 2006 is outdated. He believes the number is high. He said that this is 126 Units of which 67 are 1 BR Units of which very few if any children will be living in those units. 59 - 2 BR Units. These will generate some school age children. He then review the various projects and the number of children they generated.

Mayor said that he did not expect the board of education to come back and say that this project will produce anything different. He doesn't dispute the methodology or the project. There is a housing shortage in Sayreville. It will upgrade land that has been laying foul for 15 years and redevelop it. He also stated that this is the first residential pilot program in Sayreville. Councilwoman Novak pointed out that Gillette Manor was also a residential pilot.

Mr. Beneke said that he did call the board of education and they referred him to the web site which is quite complete.

Mr. Beneke gave construction costs, COAH rules and the need for the pilot program.

Councilman McGill made a motion to introduce the Ordinance by Title only. Motion seconded by Councilwoman Novak.

Clerk Farbaniec read the Title into record.

**ORDINANCE #267-14**

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT  
BETWEEN THE BOROUGH OF SAYREVILLE AND HIGHVIEW PROPERTIES AT SAYREVILLE  
URBAN RENEWAL, LLC, FOR A TWENTY FIVE YEAR PAYMENT IN LIEU OF TAXES PROGRAM  
FOR THE PROPERTY KNOWN AS BLOCK 538, LOTS 9.02, 19.01, 20, 26, 26.01 & 27 AND  
BLOCK 538.01 LOT 10 ALSO KNOWN AS THE ROUTE 35-PHASE 1 RESIDENTIAL  
REDEVELOPMENT PROJECT PURSUANT TO THE LONG TERM  
TAX EXEMPTION LAW N.J.S.A. 40A:20-1et seq.**

**Roll Call:** Councilpersons Buchanan, McGill, Melendez, Novak – Ayes  
Councilman Rittenhouse – Nay with comment.

Councilman Rittenhouse said that he is in favor of it but because the Board of Education was not consulted his vote is a No.

Councilwoman Novak requested that the Business Administrator advise the Board of Education of all the reports and studies on this matter.

Mayor O'Brien called for the next order of business:

- **OLD BUSINESS**
  - a) Clerk Read the following Ordinances for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #266-14**.

There were no appearances.

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

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

**ORDINANCE # 266-2014**  
**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",**  
**TO ADD SUBSECTION 2-67, "SKATE PARK COMMITTEE" OF THE REVISED**  
**GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**

**BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the county of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

**2-67 SKATEPARK COMMITTEE.**

**2-67.1 Intent and Purpose.** The purpose of this section is to establish a Skate Park Committee. The Skate Park Committee is established in order to address short and long term issues of the skate park including but not limited to funding, maintenance and improvements to the skate park.

The Skate Park shall foster such cooperation among all interested parties and provide assistance and recommendations to the Recreation Director on all matters pertaining to the skate park. The Skate Park Committee shall create subcommittees whenever necessary for the purpose of developing programs and special events.

**2-67.2 Composition of the Skate Park Committee.**

The Skate Park Committee shall consist of eleven (11) members.

**2-67.3 Appointment and Term of Service.**

The Mayor with the advice and consent of the Borough Council shall appoint eleven (11) residents of the Borough of Sayreville. At the formation of the Committee, four (4) members will be appointed to a three (3) year term; four (4) members will be appointed to a two (2) year term and three (3) members will be appointed to a one (1) year term. After the initial appointment, or after any initial term is completed, the re-appointed or new member will serve a three (3) term.

**2-67.4 Organization and Executive Committee.**

The Executive Committee shall consist of the following three (3) positions:

- a. Chairperson: who shall be selected at the first meeting of the year by a majority vote of the Skate Park Committee.

b. Vice-Chair: who shall be selected at the first meeting of the year by a majority vote of the Skate Park Committee. The Vice-Chair shall assist the Chairperson in organizational and procedural matters having to do with the Skate Park Committee. The Vice-Chair shall act in the capacity of the Chairperson in the Chairperson's absence at any meeting or function.

c. Secretary: who shall be selected at the first meeting of the year by a majority vote of the Skate Park Committee. The Secretary shall take attendance at meetings, coordinate correspondence and record and transcribe the minutes of all meetings. The Chair shall appoint an Acting Secretary in the absence of the Secretary for the purpose of recording and transcribing the minutes of meetings.

### **2-67.5 Duties and Responsibilities.**

a. Advise and work in coordination with the Recreation Director and all of his/her staff;

b. Keep informed of any current trends in the skate/skateboard field;

c. Study the growth of the Borough and that of surrounding communities with respect to the ongoing need for skate park services;

d. Develop short-term and long-term goals for the facility that are consistent with Borough priorities;

e. Recommend methods for fundraising;

f. Recommend policies and procedures for the acceptance and use of donations for the skate park;

g. Evaluate the fees and rates for skate park and make recommendations for changes to the Recreation Director.

h. Review existing policies of the Borough and make recommendations for policy changes to improve and implement efficient operation of the skate park;

i. Review skate park contracts with other public agencies and make recommendations concerning the terms of those contracts and working relationships with those entities;

j. Encourage Borough-wide public supports for use of the Borough's skate park;

k. Assist in the preparation of the monthly Recreation Department reports to the Borough Council's Recreation Committee along with the development of a comprehensive annual summary;

l. Upon request, advise the Borough's Planning Board and Open Space Committee regarding any related matters identified in the Park Master Plan and Park Acquisition Plan.

m. Assist in the planning and implementation of special programs or events;

n. Work with the Cultural Arts Council to expand the delivery of programs and events to the residents of the Borough;

o. Perform and/or assist in any matter as authorized by the Borough Council and/or required by the Recreation Director.

### **2-67.6 Meetings.**

Meetings shall take place at the Borough Hall, 167 Main Street, Sayreville, NJ, unless otherwise noted. The meetings shall be open to the public.

**a. Meeting Agenda.** The meeting Agenda shall be as follows:

1. Roll call;

2. Adoption of minutes;
3. Committee reports;
4. Chair report;
5. Council liaison report;
6. New Business;
7. Old Business;
8. Public comment;
9. Adjourn.

**b. Attendance at Meetings.** Attendance at meetings shall be governed by Section 2-65 “Absence from Meetings,” of the Revised General Ordinances of the Borough of Sayreville. In addition, all members are required to attend at least fifty (50%) percent of all activities held or sponsored by the Skate Park Committee. Activities shall be defined as parades, festivals and any other public functions scheduled by the Skate Park Committee. Failure to observe the foregoing requirements authorizes the Board by way of a two-third (2/3) majority vote to dismiss that member from further service on the Board. The vacated seat shall be filled in accordance with this section.

**c. Vacancies.** Any vacancy shall be filled by the Mayor with the advice and consent of the Council for the remaining term of any vacated position.

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 2, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect such change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

/s/ Lisa Eicher, Councilwoman

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Borough Attorney

• **NEW BUSINESS:**

a) Introduction of the following Ordinance(s): Ordinance #267-14 Highview Homes Pilot Agreement introduced earlier in meeting.

b) **Other**

• **CONSENT AGENDA/RESOLUTIONS**

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

There were no appearances.

Municipal Clerk Farbaniec requested that asked that Resolution #2014-235 be removed from the Agenda as particular documents relative to this resolution had not been received.





marketing of said bonds and for other financial reasons, to combine the bonds authorized under said eleven ordinances into one consolidated issue in the aggregate principal amount of \$7,732,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the “Local Bond Law”);

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY that:**

**Section 1.** There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

**A.** \$50,000 bonds, being a portion of the bonds authorized by an ordinance numbered 168-11 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,370,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,257,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 9.58 years.

**B.** \$380,000 bonds, being all of the bonds authorized by an ordinance numbered 194-12 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 25.40 years.

**C.** \$178,000 bonds, being a portion of the bonds authorized by an ordinance numbered 216-13 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REPLACEMENT VEHICLES FOR THE SEWER DEPARTMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$240,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$228,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 5 years.

**D.** \$354,000 bonds, being a portion of the bonds authorized by an ordinance numbered 220-13 and entitled:

“BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE FLOATING BOAT DOCKS AT BUCHANAN PARK IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

**E.** \$1,400,000 bonds, being all of the bonds authorized by an ordinance numbered 224-13 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,470,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,400,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 7.74 years.

**F.** \$300,000 bonds, being all of the bonds authorized by an ordinance numbered 225-13 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$315,000 THEREFOR AND

AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 20.17 years.

- G.** \$190,000 bonds, being all of the bonds authorized by an ordinance numbered 226-13 and entitled:

“BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

- H.** \$1,985,000 bonds, being all of the bonds authorized by an ordinance numbered 233-13 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,985,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

- I.** \$95,000 bonds, being all of the bonds authorized by an ordinance numbered 249-14 and entitled:

“BOND ORDINANCE PROVIDING FOR AN ADDITIONAL FURTHER SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR IMPROVEMENT OF THE UNDERGROUND STORAGE FACILITIES IN, BY AND FOR THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH ADDITIONAL FURTHER SUPPLEMENTAL APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

- J.** \$1,600,000 bonds, being all of the bonds authorized by an ordinance numbered 264-14 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,680,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 9.01 years.

- K.** \$1,200,000 bonds, being all of the bonds authorized by an ordinance numbered 253-14 and entitled:

“BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF THE ERNSTON ROAD WATER TANK IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

**Section 2.** The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of 7,732,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in subsections A through J, inclusive, of Section 1 hereof shall each be designated as “General Improvement Bonds of 2014” and shall be numbered with the prefix G from one consecutively upward or in such other manner as approved by the Chief Financial Officer of the Borough. The bonds referred to in subsection K of Section 1 hereof shall each be designated as “Water Improvement Bonds of 2014” and shall be numbered with the prefix W from one consecutively upward or in such other manner as approved by the Chief Financial Officer of the Borough.

**Section 3.** The Bonds shall be dated as of their date of issue and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York (“DTC”), an automated depository for securities and clearinghouse for securities transactions.

Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of each series of the Bonds. Purchases of the Bonds will be made in book-entry form (without certificates) in the denomination of \$5,000 each or any integral multiple of \$1,000 in excess thereof.

The Bonds shall mature serially in numerical order on October 1 of each of the following years and in the following principal amounts:

General Improvement Bonds of 2014

<i>Year</i>	<u>Principal Amount</u>	<i>Year</i>	<u>Principal Amount</u>
2015	\$350,000	2020	\$700,000
2016	582,000	2021	700,000
2017	700,000	2022	700,000
2018	700,000	2023	700,000
2019	700,000	2024	700,000

Water Improvement Bonds of 2014

<i>Year</i>	<u>Principal Amount</u>	<i>Year</i>	<u>Principal Amount</u>
2015	\$ 70,000	2020	\$140,000
2016	70,000	2021	140,000
2017	100,000	2022	140,000
2018	120,000	2023	140,000
2019	140,000	2024	140,000

The combined maturity schedule for all of the Bonds is as follows:

<i>Year</i>	<u>Principal Amount</u>	<i>Year</i>	<u>Principal Amount</u>
2015	\$420,000	2020	\$840,000
2016	652,000	2021	840,000
2017	800,000	2022	840,000
2018	820,000	2023	840,000
2019	840,000	2024	840,000

The Bonds are subject to redemption prior to maturity.

**Section 4.** It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the General Improvement Bonds of 2014 are to be issued, taking into consideration the amount of the General Improvement Bonds of 2014 to be issued for said improvements or purposes, is 10.98 years.

**Section 5.** It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the Water Improvement Bonds of 2014 are to be issued, taking into consideration the amount of the Water Improvement Bonds of 2014 to be issued for said improvements or purposes, is 40 years.

**Section 6.** The Bonds shall bear interest from their date based on their outstanding principal amount at a rate or rates to be determined as hereinafter set forth in Section 8 of this resolution, payable semi-annually on the first day of April and October in each year until maturity, commencing on April 1, 2015, by check mailed on such interest payment date to the owners thereof registered as such as of each next preceding March 15 and September 15 on the registration books maintained by the Borough. Interest on the Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day calendar months. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. The principal of the Bonds shall be payable upon presentation thereof at the office of the Chief Financial Officer of the Borough or a paying agent appointed by the Borough.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Blanket Representation Letter executed by the Borough and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

**Section 7.** The Bonds shall be signed by the Mayor and the Chief Financial Officer of the Borough, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual signature of the Clerk of the Borough.

**Section 8.** The Chief Financial Officer of the Borough be and he hereby is authorized and directed to offer the Bonds for public sale through the submission of electronic proposals and to determine in his discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale. The “Notice of Sale” shall comply in all respects with the applicable State of New Jersey statutes relating thereto and shall be substantially in the form attached hereto as Exhibit A, with such additions, modifications or deletions as determined by the Chief Financial Officer of the Borough. The Notice of Sale or a summary thereof as permitted by applicable law shall be published in The Bond Buyer and such other newspaper published in the County of Middlesex, New Jersey and circulated in the Borough as the Chief Financial Officer of the Borough may select at least once at least seven (7) days prior to the date of public sale.

**Section 9.** The Bonds and the registration provisions endorsed thereon shall be in substantially the following form with such changes and modifications as may be required or necessary for the delivery thereof:

**(FORM OF BOND)**

No. G-\_\_ or W-\_\_

**BOROUGH OF SAYREVILLE,  
in the County of Middlesex, New Jersey**

GENERAL IMPROVEMENT BONDS OF 2014

or

WATER IMPROVEMENT BONDS OF 2014

**Date of Bond:** October \_\_, 2014

**Principal Amount:** \_\_\_\_\_

**Date of Maturity:** October 1, 20\_\_

**CUSIP:** \_\_\_\_\_

The **BOROUGH OF SAYREVILLE**, in the County of Middlesex, New Jersey, a municipal corporation of the State of New Jersey, (the “Borough”) hereby acknowledges itself indebted and for value received promises to pay to **CEDE & CO.** or registered assigns, the sum specified above as the Principal Amount on the date

specified above as the Date of Maturity, upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of \_\_\_\_\_ per centum (\_\_\_%) per annum payable on April 1, 2015 and thereafter semi-annually on the first day of October and April in each year. Principal of this bond will be paid in lawful money of the United States of America, upon surrender thereof at the office of the Chief Financial Officer of the Borough in Sayreville, New Jersey or any paying agent appointed by the Borough. Interest on this bond will be payable in lawful money of the United States of America by check mailed on such interest payment date to the registered owner hereof as shown on the books of the Borough on the fifteenth day of the month preceding the month in which interest is paid.

All of the bonds, of which this bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company (“DTC”). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the bonds, payments of the principal of and interest on the bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Blanket Representation Letter executed by the Borough and DTC relating to the bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

The bonds of this issue maturing prior to October 1, 2023 are not subject to redemption prior to maturity. The bonds of this issue maturing on or after October 1, 2023 are subject to redemption prior to maturity at the option of the Borough, in whole or in part at any time on or after October 1, 2022, and if in part, in inverse order of their maturity and by lot within a maturity if less than all of the bonds of such maturity are to be redeemed, upon notice of redemption given by the Borough by first class mail, postage prepaid, to the registered owner of any bond to be redeemed at the address shown on the registration books of the Borough not less than thirty (30) days nor more than sixty (60) days prior to the redemption date; provided, however, that failure to mail or to receive such notice, or any defect therein, shall not affect the validity of the proceedings for redemption. The bonds subject to redemption shall be redeemed at the redemption price of 100% of the principal amount thereof plus accrued interest to the date fixed for redemption.

If notice of redemption has been given by mail, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

This bond is transferable only upon the books of the Borough kept for that purpose by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Borough duly executed by the registered owner or such duly authorized attorney, and thereupon the Borough shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Borough and any paying agent of the Borough may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds of the Borough and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Borough entitled: “Resolution combining bonds aggregating the principal sum of \$7,732,000 authorized by eleven bond ordinances heretofore adopted to finance part of the cost of various improvements in the Borough of Sayreville, in the County of Middlesex, New Jersey into one consolidated issue of bonds and providing for the form, maturities and other details of said consolidated issue,” adopted July 28, 2014 and certain bond ordinances referred to therein. The Bonds are intended to be treated as “Qualified Tax-exempt Obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax-exempt interest).

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms. This bond shall not be or be deemed to be a debt or liability of the State or a pledge of the faith and credit of the State.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Borough determines that it is in the best interests of the beneficial owners of the bonds (the actual purchasers of the bonds) that they be able to obtain certificated bonds, the Borough may notify DTC of the availability of bond certificates. In such event, the Borough will appoint a paying agent for the bonds and the paying agent will issue, transfer and exchange bond certificates as required by DTC and others in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Borough and discharging its responsibilities with respect thereto. In the event of such determination, if the Borough fails to identify another qualified securities depository as successor to DTC, the Borough will appoint a paying agent for the bonds and the paying agent will issue, authenticate and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Borough to do so, the Borough will appoint a paying agent for the bonds and the paying agent will cooperate with DTC in taking appropriate action (a) to make available one or more separate certificates evidencing the bonds to any participants of DTC having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

**IN WITNESS WHEREOF, THE BOROUGH OF SAYREVILLE** has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of the Borough Clerk, and this bond to be dated the \_\_\_\_ day of October, 2014.

**ATTEST:**  
[SEAL]

**THE BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM - as tenants in common  
TEN ENT - as tenants by the entireties  
  (Cust)           (Minor)  
JT TEN - as joint tenants with right of  
  Survivorship and not as tenants  
  In common

UNIF GIFT MIN ACT  
\_\_\_\_\_  
Custodian  
under Uniform Gifts to  
Minors Act  
\_\_\_\_\_  
(State)

**ASSIGNMENT**

**FOR VALUE RECEIVED** the undersigned hereby sells, assigns and transfers unto  
PLEASE INSERT SOCIAL  
SECURITY OR OTHER  
IDENTIFYING NUMBER  
OF ASSIGNEE  
(FOR COMPUTER RECORD ONLY)

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)

\_\_\_\_\_ the within bond, and all rights  
thereunder, and hereby irrevocably constitutes and appoints

\_\_\_\_\_ Attorney, to transfer the within bond on the  
books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

## CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Borough of Sayreville, in the County of Middlesex, New Jersey **HEREBY CERTIFIES** that a true and correct copy of the original legal opinion of the law firm of McCarter & English, LLP, Newark, New Jersey as to the validity of the issue of bonds of which the within bond is one is available for inspection at the Office of the Borough Clerk and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

---

Borough Clerk

**Section 10.** The Chief Financial Officer of the Borough is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of McCarter & English, LLP (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Borough Clerk to certify to the truth and correctness of such copy of opinion by executing on each of the Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of the Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

**Section 11.** Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the Winning Bidder (as defined in the Notice of Sale) and the payment of the purchase price thereof in accordance with the Notice of Sale, the Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver a Tax Certificate with respect to the exclusion of interest on the Bonds from gross income of the holders thereof for Federal income tax purposes, including, inter alia, the status of the Bonds as other than "private activity bonds" within the meaning of section 141 of the Internal Revenue Code of 1986, as amended (the "Code") and the status of the Bonds as other than "arbitrage bonds" within the meaning of section 148 of the Code.

**Section 12.** The proceeds of the Bonds shall be applied in the amounts and for the purposes provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purposes and then outstanding.

**Section 13.** The Mayor and the Chief Financial Officer of the Borough are hereby authorized and directed, as applicable, to approve, "deem final" in accordance with Rule 15c2-12 of the Securities and Exchange Commission and execute the Preliminary Official Statement of the Borough issued in connection with the Bonds, the Official Statement of the Borough issued in connection with the Bonds, the Notice of Sale, the Continuing Disclosure Certificate and the DTC Blanket Representation Letter and their use in connection with the sale of the Bonds and are further authorized, as is the Clerk of the Borough, to execute all documents, including the Official

Statement, the Notice of Sale, the Continuing Disclosure Certificate and the DTC Blanket Representation Letter, necessary for the sale and delivery of the Bonds.

**Section 14.** The Borough Council hereby designates the Chief Financial Officer of the Borough to award the Bonds in accordance with the Notice of Sale and the provisions of the Local Bond Law and the Chief Financial Officer of the Borough is hereby directed to report to the Borough Council at the meeting next succeeding the date when any award of the Bonds pursuant to this resolution is made.

**Section 15.** The Bonds are hereby designated as “Qualified Tax-Exempt Obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) (relating to an exception to the disallowance of interest expense of certain financial institutions allocable to tax exempt interest). The Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such designation of the Bonds.

**Section 16.** The Borough hereby covenants to comply with the provisions of the Code applicable to the Bonds and covenants not to take any action that would cause the interest on the Bonds to lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code or cause interest on the Bonds to become an item of tax preference under Section 57 of the Code. Further, the Borough will take all actions within its power that are necessary to assure that interest on the Bonds does not lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code or become an item of tax preference under Section 57 of the Code.

**Section 17.** The Borough hereby authorizes the Chief Financial Officer, the Borough Clerk, Bond Counsel, the Auditor and any other professionals of the Borough to proceed with the sale of the Bonds, including the drafting of any documents necessary therefor.

**Section 18.** The Borough hereby delegates to the Chief Financial Officer the authority to postpone the public sale of the Bonds in accordance with the Notice of Sale and the provisions of the Local Bond Law.

**Section 19.** This resolution shall take effect immediately.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O’Brien  
Mayor

**RESOLUTION #2014-219**  
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE**  
**IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,**  
**AUTHORIZING THE CONSTRUCTION OFFICIAL TO**  
**CEASE WAIVING ALL PERMIT FEES FOR HOMES IN FLOOD ZONES**

**WHEREAS,** the Borough of Sayreville, Middlesex County, New Jersey elected to give the Construction Official authorization to waive fees for permits to homes in flood zones in the wake of Super Storm Sandy; and



**WHEREAS**, the Governing Body of the Borough of Sayreville has now decided to rescind that authorization; however, the Construction Official is authorized to allow the permit fees to be waived on a case by case basis; and

**BE IT AND IT IS HEREBY RESOLVED** that the Construction Official of the Borough of Sayreville is authorized to cease waiving fees for permits to home in flood zones unless the Construction Official finds good cause to waive permit fees on a specific instance.

/s/ David McGill, Councilman  
Planning & Zoning Committee

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-220**

**WHEREAS**, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Closeout Contract Change Order No. 1:

- Project: Emergency Services Building Roof Replacement Project
- Contractor: Northeast Roof Maintenance  
649 Catherine Street  
Perth Amboy, NJ 08861
- Net Increase: \$9,345.00
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-221**  
**ACCEPTING FINAL WORK**  
**AND AUTHORIZING FINAL PAYMENT**  
**UPON EXPIRATION OF STATUTORY PERIOD**

**WHEREAS**, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Emergency Services Building Roof Replacement Project
- Contractor: Northeast Roof Maintenance  
649 Catherine Street  
Perth Amboy, NJ 08861
- Balance Due: \$ 9,354.50

**WHEREAS**, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

**WHEREAS**, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

**WHEREAS**, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$14,031.75 and the approval of same as to form and sufficiency by the Borough Attorney.

/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 #2014-222**

**WHEREAS**, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Closeout Contract Change Order No. 1:

- Project: Improvements to William Street Project
- Contractor: GRC General Contractors, Inc.  
137-1/2 Washington Avenue – Suite 290  
Belleville, NJ 07109
- Net Decrease: \$125,536.51
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

/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 #2014-223**  
**ACCEPTING FINAL WORK AND AUTHORIZING FINAL PAYMENT**  
**UPON EXPIRATION OF STATUTORY PERIOD**

**WHEREAS**, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Improvements to William Street Project
- Contractor: GRC General Contractors, Inc.  
137-1/2 Washington Avenue – Suite 290  
Belleville, NJ 07109
- Balance Due: \$ 9,274.99

**WHEREAS**, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

**WHEREAS**, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

**WHEREAS**, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$69,562.42 and the approval of same as to form and sufficiency by the Borough Attorney.

/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 #2014-224**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY, REJECTING THE BIDS RECEIVED FOR 2013 ROADWAY PAVING  
AND RECONSTRUCTION PROJECT – PHASE II**

**WHEREAS**, the Borough of Sayreville accepted Bid Proposals for the 2013 Roadway Paving and Reconstruction Project – Phase II on July 15, 2014; and

**WHEREAS**, after all of the packages were reviewed it was found that the two (2) lowest bids contained numerous irregularities; and

**WHEREAS**, the two (2) lowest bids exceeded the original project estimate; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, that all of the bids received for the 2013 Roadway Paving and Reconstruction Project – Phase II are rejected, and the Borough Clerk is authorized to re-advertise for bids.

/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 #2014-225**

**BE IT RESOLVED**, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the 2014 Roadway Paving and Reconstruction project and that he be paid for said services at a fee not to exceed \$225,000.00.

**BE IT FURTHER RESOLVED** that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

/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 #2014-226**

**BE IT RESOLVED**, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Repairs to Roofs at the Public Safety Complex and Senior Citizen Center projects and that he be paid for said services at a fee not to exceed \$93,500.00.

**BE IT FURTHER RESOLVED** that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

/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 #2014-227**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through State Contract #A82926 T-2776, One (1) 2014 Chevy Tahoe SSV 4X4 Truck for the Borough of Sayreville, Fire Department, from Day Chevrolet/ Municipal Equipment Enterprises, 1600 Golden Mile Highway, Monroeville, PA 15146, at a total cost not to exceed \$33,472.39.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-228**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through the State Contract Seven (7) 2014 Police Interceptor Utility All Wheel Drive Vehicles through Winner Ford., 250

Haddonfield-Berlin Road, Cherry Hill, NJ 08034 (Contract #A82925 and A53576 T-2100) at a total cost not to exceed \$239,748.00.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-229**

**BE IT RESOLVED**, that GRM Facilities Management, Inc. of Turnersville, NJ is the borough's contractor for the Annual Maintenance and Repair of the Borough's HVAC Equipment; and

**BE IT FURTHER RESOLVED** that GRM Facilities Management is hereby authorized and directed to remove and replace the 30 Ton HVAC Unit at the Sayreville Free Public Library at a price exceed \$37,982.00.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-230**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through State Contract #A85971, One (1) 2013 Ford F-250, 4WD Pick-up Truck with Plow for the Borough of Sayreville, Department of Public Works Department, from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962, at a total cost not to exceed \$30,859.00.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-231**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through State Contract #A85848/T-2188, One (1) Gem Construction Fork and 10' Hydraulic angle Broom for John Deere Front End Loader from Jesco, Inc., 118 Saint Nicholas Avenue, South Plainfield, NJ 07080, at a total cost not to exceed \$29,312.00.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-232**

**BE IT RESOLVED**, that GRM Facilities Management, Inc. of Turnersville, NJ is the borough's contractor for the Annual Maintenance and Repair of the Borough's HVAC Equipment; and

**BE IT FURTHER RESOLVED** that GRM Facilities Management is hereby authorized and directed to replace a boiler at the Sayreville Senior Citizen Center, at a fee not to exceed \$68,585.24.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-233**

**WHEREAS**, on June 19, 2014 the Mayor and Council of the Borough of Sayreville received bids for the “Electrical Work & Repair Services” and

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

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

1. Contract for the "Electrical Work & Repair Services" be awarded to Facility Solutions Group, 224 Washington Street, Perth Amboy, NJ 08861, on an as needed basis as appears on their bid proposal document attached hereto and made a part hereof.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-234**

**WHEREAS**, on July 12, 2012 the Borough of Sayreville awarded a contract for “Water Department Chemicals - Hydrated Lime (Bulk)” to Carmeuse Lime, Inc., 11 Stanwix St., Pittsburg, PA 15222; and

**WHEREAS**, the Borough of Sayreville is desirous of exercising its right to renew the contract for another one-year period at no additional increase in price contained therein; and

**WHEREAS**, Carmeuse Lime, Inc., has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for “Water Department Chemicals - Hydrated Lime (Bulk)” is hereby renewed for one additional year period at no additional increase in price.

/s/ Ricci Melendez, Councilman  
(Water & Sewer Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-235 - REMOVED**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, Two (2) 2014 Ford F-250 Utility Body with Plow through State Contract #A85971 and 85971 and One (1) 2014 Ford F-450 Utility Body with Plan, Lift Gate and Crane through State Contract #A83560 for the Borough of Sayreville, Water & Sewer Department from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962.

**RESOLUTION #2014-236**

**BE IT RESOLVED** that the following person is hereby permanently appointed to the following department:

<b>NAME OF APPOINTEE:</b>	Patrick Brennan
<b>POSITION:</b>	Public Safety Telecommunicator – Trainee/Per Diem
<b>DEPARTMENT:</b>	Police
<b>EFFECTIVE:</b>	July 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 Department of Personnel.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-237**

**BE IT RESOLVED** that the following person is hereby permanently appointed to the following department:

**NAME OF APPOINTEE:** Glen Wagner  
**POSITION:** Public Safety Telecommunicator –  
Trainee/Per Diem  
**DEPARTMENT:** Police  
**EFFECTIVE:** July 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 Department of Personnel.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014 –238**

**Defeated – 3 Nay / 2 Aye**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING THE APPOINTMENT OF DeCOTIIS, FITZPATRICK & COLE, LLP AS SPECIAL COUNCIL – SPECIAL LITIGATION FOR THE BOROUGH OF SAYREVILLE**

**WHEREAS**, the Governing Body of the Borough of Sayreville is involved in litigation namely; Hillside Estate v Borough of Sayreville; and

**WHEREAS**, the Governing Body of the Borough of Sayreville decided to appeal the decision of Judge Hurley in this matter; and

**WHEREAS**, the Governing Body of the Borough of Sayreville acknowledges that the firm of DeCotiis, Fitzpatrick and Cole LLP initially handled this litigation; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that on July 14, 2014 the Governing Body of the Borough of Sayreville awarded a contract to the firm of DeCotiis, FitzPatrick & Cole LLP to serve as Special Counsel for the appeal of Judge Hurley's decision such contract is not to exceed the sum of \$8,000.00.

Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

Theresa A. Farbaniec, RMC  
Municipal Clerk

Kennedy O'Brien  
Mayor





**RESOLUTION #2014-241**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A DEED BETWEEN THE BOROUGH OF SAYREVILLE AND SAYREVILLE MEMORIAL POST NO. 4699 VETERANS OF FOREIGN WARS OF THE UNITED STATES**

**WHEREAS**, the Borough of Sayreville transferred the property known as Block 55.01, Lot 1.01 on April 19, 1972 to the VFW Post No. 4699 and on August 2, 1972 a second Deed was executed which modified the restrictions to permit the granting of a construction mortgage to the VFW Post No. 4699; and

**WHEREAS**, the VFW Post No. 4699 wishes to enter into a lease with a wireless communications company to locate an antenna and related facilities on the roof of the existing structure on the premises located at Block 55.01, Lot 1.01, subject to all necessary approvals.

**WHEREAS**, the construction of said antenna will require the VFW Post No. 4699 enter into an easement agreement and to facilitate that action a new Deed has been prepared on behalf of the VFW Post No. 4699; and

**WHEREAS**, the governing body of the Borough of Sayreville has had the opportunity to review the proposed Deed and to discuss said proposed Deed; and

**BE IT AND IT IS HEREBY RESOLVED** that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the Deed received from the VFW Post No. 4699 and the executed Deed should be forwarded to Roger J. McLaughlin, Esquire, for execution and recording.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

Mayor O'Brien opened the meeting to the public for questions or comments on Resolutions #2014-240 and #2014-241.

There were no appearances. Council President Novak made a motion to close the public portion and adopt the Resolutions on Roll Call Vote. Motion seconded by Councilman McGill.

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

Borough Attorney stated that there were two actions taken during Executive Session.

1) The acceptance of a Termination of Agreement between the Borough and Albemarle whereby the borough would accept a \$10,000.00 settlement in turn for terminating the agreement as previous set forth.

Council President Novak made a motion to accept. Motion seconded by Councilman McGill. Roll Call: Councilpersons Buchanan, McGill, Melendez, Novak, Rittenhouse, all Ayes.

(The item was called a Resolution and formal Action taken for a Resolution, however a resolution will be listed in the future under Consent Agenda Resolutions when prepared.)

Councilman Rittenhouse asked the Borough Attorney about the next matter, Resolution #2014-238 on how this works when this issue was voted on and passed at the last meeting and voted on and passed in Closed Session authorizing the attorney appointed to proceed and now we have Resolution (2014-238) Memorializing the council's action from the last meeting appointing the firm fail.

The Mayor said that this was a Resolution memorializing the council's vote from the last meeting.

Borough Attorney then said that inasmuch as Resolution #2014-238 was defeated the council still has the option to authorize the existing Counsel, Attorney Jamie Sutton file a Notice of Appeal.

He said that the action taken during Executive Session was to Authorize the DeCotiis Firm to file an appeal. That resolution was not approved in 2014-238. The action itself to file an Appeal can still be obtained should you wish to move ahead with that but only with existing counsel.

Councilman Rittenhouse said that the vote at the last meeting has no bearing on this tonight. Mr. DuPont said that the Resolution memorializing that action failed during the vote tonight.

So next does the council wish to have a Resolution to authorize existing counsel, Jamie Sutton to file a Notice of Appeal.

Council President Novak stated that existing Counsel did not recommend appealing because he did not think it would be appealable and the best would be is to try to negotiate a payout of over 2-3 years. The second firm did not know if it would be appealable yet. She then explained how that past appeal process unfolded.

Mayor O'Brien said that it was his opinion to bring in the Attorney who won the first case in court and file an appeal to this final decision. He said for the record that during the Closed Session the vote was 3/3 and now the vote was defeated.

The Borough Attorney explained the court case and the outcome during the entire process. You do have the right to appeal which has to be filed by this Monday. Both attorney's have expressed some reservations as to the appealable issues. The Counsel has indicated that the Judge has given us a number of victories but we still have to provide the Plaintiff with a sum of credits which will have to be applied over a course of time.

Councilman Rittenhouse asked the Borough Attorney to explain to the residents the amount of money that it will cost the taxpayers of Sayreville.

Mr. DuPont said the total amount of money that Judge Hurley awarded was \$700,000. The Plaintiffs were originally requesting \$2.4 million. The \$700,000 was done after an appeal and the Appellate Court identified and declared the Borough's classification of this particular water user was incorrect. The appellate court remanded it back to the Trial Court for a lower amount (Clerk announced that for the record her digital recorder was reading FULL and has stopped working). This is why both firms said that the borough had claimed victories even in light of the fact that it was a lower amount and you are now faced with Judge Hurley's decision that occurred on June 25<sup>th</sup>. But right now you have an order you have to comply with. Both attorneys have explained to you that the last day to file an appeal is this Monday. If nothing is filed prior to Monday then you will have to comply with the order of Judge Hurley. Both attorney's have expressed opinions as to the appealable Judgment. Judge Hurley did allow Sayreville to give the Plaintiff credits over the course of time.

Council President said that in light of the appeal that we lost and we knew we would be hit with paying them some money back. Both Attorney firms thought that this was not an unreasonable amount. If we take it to appeal the might have the possibility of them getting even more money so yes we might save some money or yes it might cost us money but we sure know it is going to cost us a lot more in attorneys fees if we keep appealing it.

Mayor said that for the record it was his opinion that they bring in the Law Firm of DeCotiis who won the first case and is recognized statewide as a leading litigating attorney particularly in public matters. What the needed to do is file an appeal in order to gain time to get the court transcript in order to review it and study and advise the governing body as to the proper strategy moving forward. He thought because of the figure of a little over \$700,000.00 he thought 1% was reasonable to spend to explore options with the firm that actually won the case. He said that this was all voted on and the vote was 3/3 in closes session and he broke the tie in favor of the DeCotiis Firm. Now we come out here and the one voter that is on vacation and had called in during this session is unable to hook up so the vote changes. So now it appears we will let the court order stand and come Monday we will start paying the \$7000,000. Order. He expressed his disappointment is the professionals and colleagues sitting up here. He said that there was a 40-45 day time line and that he was not notified that we lost this case until like two weeks ago. Mayor said that he was disappointed in this council and how he just wanted a fresh pair of eyes to review the case.

Councilman McGill said that his vote had not changed and Councilwoman Novak stated that no one's vote changed from the vote in closed session.

Mayor stated that Councilwoman Eicher had voted in from a phone conference as the law allows and now there was an issue with her calling in during this session.

Councilman Rittenhouse felt that it would be well money spent to see if we could save the taxpayers \$700,000.

Councilman Buchanan said that we owe it to our taxpayers to see if we can appeal.

MAYOR CALLED FOR THE NEXT ORDER OF BUSINESS

### **Business Session Agenda – July 28, 2014**

#### **COMMUNICATIONS & COMMITTEE REPORTS**

- **ADMINISTRATIVE & FINANCE – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

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

- Board of Education minutes of June 30, 2014 (Special Meeting)
  - Municipal Clerk's Report for the month of June, 2014
  - Investment Activity Report for the month of June, 2014
- Motion seconded by Councilwoman Novak.

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

- 1) **Sayreville Engine Co. #1** to conduct an Off-Premise Draw Raffle on January 1, 2015 (RA:1883)  
**- Approved**

- c) Tax Appeal received from D&A Investment Group, Inc., Block 169.20, Lot 2, 309 Main Street.  
**- Refer to Tax Counsel**

- d) Application for a Person to Person Transfer of PRCL #1219-44-041-004 from MA Management, LLC, t/a Bridge Liquors to Bridge Liquors, LLC (Amit A. Patel, Vipul Patel & Payal Patel), effective August 12, 2014.  
**- Transfer Approved, prepare resolution.**

- e) Notice from Public Service to Customers regarding filing for Annual Compliance and supporting documents for changes in charges.  
**- Receive & File**

f) Committee Reports –

- **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

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

- Board of Adjustment minutes of June 25, 2014
  - Planning Board Minutes of June 18, 2014
  - Construction, Zoning & Code Enforcement, & Fire Prevention Reports for the month of June, 2014
- Motion seconded by Councilwoman Novak.

- b) Request from Kaplan Companies for Performance Bond Release covering LaMer, Section V-3C in the amount of \$93,984.21.  
**-Refer to Borough Engineer**

- c) Notice received from the Borough of South River noticing a public hearing scheduled for August 25, 2014 for Ordinance Amending their Borough Code Chapter 350-Zoning.  
**-Receive & File**

d) Committee Report:

- **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports:**

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

- Police Department, Board of Health, Registrar and County Report for the month of June, 2014.
- Motion seconded by Councilman Buchanan.

b) Request for a **block party** received from residents of Oxford Drive between Florence & Albert Dr. to be held on Aug. 16 from 9am-12midnight (rain date-Aug. 17).

**-Request Approved.**

c) Request for **coin toss** at the intersection of Washington & Ernston Roads from 10am-2pm received from:

- Sayreville Leprechauns – Aug 9, 2014
- Sayreville Middle School Chorus Dept. – Aug 24, 2014
- Sayreville War Memorial High School Band Parents Assoc. – Sept. 28, 2014
- Sayreville Recreation Wrestling - Oct. 25, 2014  
(all pending County approval)

**-Requests approved pending County Approval.**

d) Committee Reports-

- 1) Reported that this past Sunday the Police Department went through their final phase of accreditation and explained what being accredited would mean for the department and the borough.
- 2) Discussed the Energy Aggregation program and the opt out letters.

- **RECREATION – Councilman Melendez**

a) Minutes & Departmental Reports:

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

- Recreation Director's report for the month of June, 2014.
- Motion seconded by Councilwoman Novak.

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

1) **St. Stanislaus Kostka RC Church** to conduct a Parish Picnic On Parish Grounds on Sept. 6, 2014 from 12Noon-4PM.

2) **The Center for Lifelong Living** to conduct a Fundraiser/Picnic Style Event with vendors, food and activities on Sept. 27, 2014 (No Resolution required-Permit only)

**-Applications Approved.**

c) Letter of **resignation** received from Thomas Fritzen, from the **Cultural Arts Council**, effective immediately.

**-Receive & File**

d) Committee Reports -

- **WATER & SEWER/ENVIRONMENTAL – Councilman Melendez**

a) **Minutes & Departmental Reports:**

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

- Water & Sewer Director's report for the month of June, 2014.

- Motion seconded by Councilwoman Novak.

b) Committee Reports-

- 1) Thanked Coach Najar for this summer program.
- 2) Thanked Walter Lesinski on his 31 years of service in the Water and Sewer Dept. and wished him well on his retirement.

- **PUBLIC WORKS – Council President Novak**

a) **Minutes & Departmental Reports:**

Councilwoman Novak moved the following reports/minutes be received & filed:

- Public Works Reports – Buildings & Grounds, Parks, Recycling, Roads, Garage Services, Sanitation and Office on Aging Report all for the month of June, 2014.

- Motion seconded by Councilman Buchanan.

b) Notice of **retirement received from Jeffrey Meyer** from his position of Heavy Equipment Operator in the Dept. of Public Works, effective August 1, 2014.

**-Receive & File**

c) Committee Reports:

- 1) Councilwoman Novak commented on Jeff Meyer, his years of service and his retirement.
- 2) Letter from President Park Fire Co stating an outstanding job the boy scouts did for them.
- 3) The Borough will be able to save in insurance premiums when our Police Dept. become accredited.

- **MAYOR – Kennedy O'Brien**

Mayor O'Brien announced that governor Christie would be visiting 105 Weber Avenue this Thursday at 10:00 AM.

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

- **Administrative & Finance**

1) Request received from Roger McLaughlin (VFW Attorney) for authorization for the borough to execute a new Deed with allowing the VFW to enter into an agreement with Verizon to locate an antenna and related facilities on the roof of the existing structure on the premises located at Block 55.01, Lot 1.01.  
- **Resolution #2014-241 adopted earlier in the meeting.**

- **Public Works**

1) Authorization to enter into contract with Foley Caterpillar, Piscataway, NJ, a state contracted vendor, for repairs to Caterpillar Front End Loader for the Dept. of Public Works at a fee not to exceed \$60,000.

- **Approved / Resolution.**

2) Authorization to purchase One (1) 2014 Morbark M15 Beaver Wood Chipper through the Middlesex County Regional Education Commission Cooperative Purchasing Program for the Dept. of Public Works at a fee not to exceed \$44,280.75.

- **Approved / Resolution.**

3) Authorization to award contract for One (1) Monroe 10 Yard Salt Spreader with Hydraulic Calcium Chloride Pre-wetting System for Snow Removal to Cliffside Body Corp. of Fairview, NJ on their low bid price of \$20,964.

- **Approved / Resolution.**

4) Authorization to award the contract for Routine and Emergency Repairs to Water, Sewer, Road and Storm Sewer Infrastructure to B&W Construction of South River on their low bid price as contained in the contract documents.

- **Approved / Resolution.**

- **Public Safety**

1) Authorization to enter into contract with FDR Hitches of Roselle Park, NJ, a State contracted vendor, for the purchase of two (2) 8x18 Enclosed Cargo Trailers for the Fire Department at a fee not to exceed \$9,655,40 each.

- **Approved / Resolution.**

2) Commented on Police Accreditation and that the Police Chief thanked the Dept. of Public works for all their help throughout the process.

- **C.F.O.- Wayne Kronowski**

- 1) Bill List Resolution

- **BOROUGH ENGINEER -Jay Cornell**

1) 2013 Roadway Paving & Reconstruction Project – Phase II - Receipt of Bids.  
Resolution adopted tonight.

2) Woodlawn Avenue Park Street Hockey Paving Project estimate \$15,000.00.  
Councilman Buchanan asked if it would be feasible for the program to be moved to the unused lot behind borough hall.

-Mayor said that Dan Buchanan spoke with Councilwoman Eicher so when she returns it is in her hands. She is going to work with the Recreation Dept. on this matter and get back to

us. Councilman Buchanan said he spoke with Co. Eicher because he is concerned because there are kids that play at that basketball court all the time so he thought it would be more feasible if they played on the lot in the back. There had been a proposal years ago for a roller hockey there.

Mayor asked that he review it with Co. Eicher.

- **BOROUGH ATTORNEY - Michael DuPont**

- Closed Session – Litigation Matter/Albermarle

- **PUBLIC PORTION**

At this time the Mayor opened the meeting up to the public for any and all questions or comments. Those appearing were:

- Bill Rhumm, 33 Vernon Street, Parlin.  
Reminded the governing body why they are seated up there and who votes for them. And they have the public trust.  
I think you do a wonderful job just remember why you are here.
- Mike D’Addio, 13 Zaleski Drive, Chairman SERA  
Thanked the Council for passing the Pilot Program  
He said that the project has already been approved.  
Commented on Councilman Rittehouse’s vote seeing as he voted for it at the SERA meeting he said that he did not mention anything about the board of ed because when they were at their meeting on April 26 you mentioned it at their last meeting. They did get in touch with them but did not express much concern. Possible the children that are there now will just be replaced.  
Councilman Rittenhouse responded he was not at the April meeting and did not vote on the project. In March he asked that they go to the Board of Ed.  
Discussion followed regarding the Pilot Program and children and the Board of Ed’s review and approval.  
Mayor also explained the SERA Ordinance which prohibits him from being a member.
- Tom Pollando, 15 Oakwood Drive  
Questioned what Councilwoman Eicher was told about the street hockey.  
He said that basketball was not going to be eliminated. What they are looking to do is on Saturday mornings and one night during the week would be for practice. They are not eliminating what is there already. Just want the court and fence fixed and they would bring in bleachers.

Councilman Buchanan agreed with the need but he understood that basketball would be eliminated.

Mayor said that when the engineer said they could do it for less money that he wanted the Co. Eicher who is the liaison to recreation to bring it up before the recreation advisory board and come back with a recommendation.

Mr. Pollando said that this was not a Recreation Organization this was a program under the AA.

Councilwoman Novak said it was her understanding that when Jay came back with the figure we were going to move forward with the repair.

The request was just to have the area paved.

Mayor responded that Councilwoman Eicher is the Recreation Liaison

Councilwoman Novak responded that when the resident came up requesting street hockey the Engineer was asked to come up with a figure for paving.

Mr. Pollando commented that this was a fall program and that the requested area was in Morgan and those facilities are part of the Athletic Association League.

No further questions or comments

Councilwoman Novak made a motion to close the public portion. Motion seconded by Councilman Rittenhouse.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION – held earlier in meeting.**

- **ADJOURNMENT**

Before the meeting adjourned the Business Admin. the entire governing body wished the Mayor-Kennedy O'Brien a Happy Birthday and shared a cake.

No further business.

Council President Novak made a motion to adjourn. Motion seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 9:25 P.M.

SIGNED:

\_\_\_\_\_  
Theresa A. Farbaniec, Municipal Clerk

\_\_\_\_\_  
Date Approved