

Combined Meeting of the Mayor and Borough Council held on Monday, October 27, 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 Eicher, McGill,  
Melendez, Novak, Rittenhouse

Absent: Councilman Buchanan

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 MINUTES** – None

- **PRESENTATIONS/PROCLAMATION:**

**Bowling for Hunger proceeds** presented by **Assemblyman Craig Coughlin**  
food pantries of:  
- Borough of Sayreville Care and Share Food Bank, Sue Paul  
- Faith Fellowship Ministries World Outreach Center, Rev. Villanova

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

- **OLD BUSINESS**

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

Clerk Read the heading for Ordinance #272-14 for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #272-14**.

There were no appearances.

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

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

**ORDINANCE #272-14**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF  
"THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE,  
NEW JERSEY, 1986" REGARDING COLLECTION OF CREDIT CARD FEES**

(Co. Buchanan, Admin. & Finance Committee)

**WHEREAS**, the Mayor and Borough Council wish to facilitate the use of credit cards by users of certain Borough services, including but not limited to property taxes and water and sewer user fees and;

**WHEREAS**, the Borough is charged a transaction fee by banks and/or credit servicers in connection with the acceptance of credit card payments; and

**WHEREAS**, the Borough administration has recommended to the Mayor and Council that the Borough impose a convenience fee in connection with the acceptance by the Borough of credit card payments in an amount sufficient to cover the above referenced transaction fees.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Sayreville, as follows:

Chapter 2, “Administration” of the Revised General Ordinances of the Borough of Sayreville, New Jersey, 1986 shall be amended and supplemented to add a new Section 2-38.5 “Credit Card Convenience Fees” as follows:

**Section I**

**2-38.5 “Credit Card Convenience Fees”**

Whenever a credit card shall be used to make payment for a Borough property tax, water and sewer user fee, permit, fee or penalty, the Borough of Sayreville shall be authorized to collect a convenience fee of two and forty five hundredths percent (2.45%), or three dollars (\$3.00), whichever is greater to defray the cost of transaction fees charged to the Borough by a bank or credit servicers in connection with the processing of the credit card. Prior to processing the credit card payment, the Borough shall disclose to the credit card user the amount of the transaction fee to be collected by the Borough.

**Section II- Severability**

If any section of this ordinance is adjudged invalid, such adjudication shall apply only to the specific sections so adjudged and the remainder of the ordinance shall be deemed valid.

**Section III -Repealer**

All ordinances or sections thereof in conflict with the Ordinance are hereby repealed.

**Section- IV**

This ordinance shall take effect upon its final passage and publication according to law.

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O’Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

(Ord. #273-14 Tabled 10-14-14)

Clerk Read the heading for Ordinance #274-14 for Public Hearing.

Mayor O’Brien opened the meeting to the public for questions or comments on **Ordinance #274-14.**

Those appearing were:

- Barbara Kilcomons, 22 Schmitt St.  
Complained about the amount of money being spent on items she felt are not necessary for the borough.  
Concerned about the revenue being lost from property taxes on homes along Weber Avenue and MacArthur Avenue and the amount taxes will be increasing because of the loss.

She felt the borough has a lot of equipment that sits idle at Ft. Grumpy and other areas that are not being used.

No further questions or comments. Mayor called for a motion to close the public portion.

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

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

**ORDINANCE #274-14**

**ORDINANCE AMENDING BOND ORDINANCE #224-13 FINALLY ADOPTED ON JULY 22, 2013 BY THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE**

(Co. Buchanan, Admin. & Finance Committee)

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

Section 1. Section 3(a) of bond ordinance number 224-13 of the Borough of Sayreville, New Jersey (the “Borough”), finally adopted July 22, 2013 (the “Original Ordinance”) which provided for the acquisition of vehicles and equipment is hereby amended to read in its entirety as follows:

“(a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the acquisition of the following equipment and vehicles: (i) police SUV vehicles, (ii) police radio backup generators, (iii) fire truck and apparatus, (iv) fire department equipment, (v) pick up truck with plow, (vi) dump truck with hook lift, (vii) calcium chloride system, (viii) flail cutter and deck for tractor, (ix) roll off containers, (x) automated sanitation truck, and (xi) 6” by-pass dewatering pump.”

Section 2. All other details of the Original Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Borough Attorney

Clerk Read the heading for Ordinance #275-14 for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #275-14.**

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 Eicher, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

**ORDINANCE # 275-14**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING**  
**CHAPTER XIV SECTION 16 OF THE REVISED GENERAL**  
**ORDINANCES OF THE BOROUGH OF SAYREVILLE “RATES”**  
(Co. Melendez, Water & Sewer/Environmental Committee)

**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:

**14-16.1f**

Rights of Appeal to Water Billing Invoices.

1. Any person may file an appeal to the Billing Invoices of the Water Department.
2. Appeals Committee. An appeal based on a billing invoice of the Water Department shall be made to an Appeals Committee. The Committee shall consist of a Director of the Water Department, the Borough Administrator and the Borough Attorney. Any such appeal must be made within fourteen (14) days of receipt of the billing invoice.
3. If the Appeals Committee determines that the billing invoice of the Water Department is correct it shall confirm in writing. If the Appeals Committee determines that the billing invoice is incorrect or inequitable the Appeals Committee has the ability to modify, amend and/or reduce the billing invoice.
4. Any person who disagrees with the decision of the Appeals Committee has the ability to appeal the decision to the Superior Court of New Jersey.

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Fourteen, Section 16** of the Revised General Ordinances of the Borough of Sayreville, shall be added to reflect said 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/ Ricci Melendez, Councilman  
(Water & Sewer Committee)

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

• **NEW BUSINESS:**

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

Councilwoman Eicher made a motion to hold over the introduction of Ordinance #276-14 for two more weeks as she would like to see some revisions. Motion seconded by Councilman Rittenhouse.

Roll Call: Councilpersons Eicher, McGill, Melendez, Novak, Rittenhouse, all Ayes.  
Carried. Ordinance introduction carried over until the next council meeting.

**ORDINANCE #276-14**  
**AN ORDINANCE AMENDING CHAPTER II, “ADMINISTRATION”,**  
**TO ADD SUBSECTION 2-68, “YOUTH EXCHANGE ADVISORY**  
**COMMITTEE” OF THE REVISED GENERAL ORDINANCES**  
**OF THE BOROUGH OF SAYREVILLE**

(Co. Eicher, Recreation Committee, Carried over for introduction at the - Nov. 10, 2014)

• **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  
Complained about Resolution #2014-297, scrapping equipment, when we're bonding for the purchase of more.

Questioned the salary of the IT person in Resolution #2014-300 as well as residency requirement.

- Councilman Melendez responded that the salary is \$120,000 and Mr. Frankel answered the residency question.

Mrs. Kilcomons asked for someone to elaborate on Resolution #2014-305  
This resolution was explained by the Borough Engineer.

No further appearances. Mayor O'Brien called for a motion.

Council President Novak moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call vote. Motion seconded by Councilman McGill.

Councilwoman Eicher questioned #2014-301 – and what a message board was.

Explained by Mr. Frankel and Mr. Kronowski that it was for the Police Dept. and to be used for emergency messages, special events, etc.

Councilman McGill questioned resolution #2014-296 Professional Services.

Mayor stated that request for Professional Services gets advertised every year in accordance with the Fair and Open Process. The RFP's are then distributed for council's review in December so everyone will receive a copy of each response. The Clerk stated that she was just requesting authorization to advertise.

Councilman Melendez asked who writes the RFP's.

Mayor stated that the only new one was for Animal Control and Shelter Services. The rest have been prepared a few years ago by the Business Admin. and other officials. He said that they are standard. Councilman Melendez asked if he could have copies. Clerk to provide copies.

Roll Call to close public portion: Councilpersons Eicher, McGill, Melendez, Novak, Rittenhouse, all Ayes.

**RESOLUTION #2014-294**

**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 October 27, 2014, in the amount of \$2,413,074.52  
(Bill List – See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

**RESOLUTION #2014-295**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the fiscal year ended December 31, 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs: and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:0-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled “General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB, to wit:

R.S. 52:27BB-52 “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or

imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Sayreville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

/s/ Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
**Municipal Clerk**

/s/ Kennedy O'Brien  
**Mayor**

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

**GROUP AFFIDAVIT FORM  
CERTIFICATION OF GOVERNING BODY**

STATE OF NEW JERSEY )  
COUNTY OF MIDDLESEX )

We, members of the Governing Body of the Borough of Sayreville, County of Middlesex, of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Mayor and Borough Council of the Borough of Sayreville.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit Filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 for the fiscal year ending December 31, 2013.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

**GENERAL COMMENTS ANDRECOMMENDATIONS**

Kennedy O'Brien, Mayor (L.S.)

/s/ Mary J. Novak (L.S.)  
Council President

/s/ David McGill (L.S.)  
Councilman

/s/ Dan Buchanan (L.S.)  
Councilman

/s/ Ricci Melendez (L.S.)  
Councilman

/s/ Lisa Eicher (L.S.)  
Councilwoman

/s/ Arthur Rittenhouse (L.S.)  
Councilman

**RESOLUTION #2014-296**

**BE IT RESOLVED**, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of proposals for all annual **Professional Services** for the year 2015.

**BE IT FURTHER RESOLVED** that proper borough officials are hereby authorized and directed to prepared the necessary Request for Proposals **for Animal Control Services as well as Shelter Services** and upon approval of said proposals the Borough Clerk is hereby authorized and directed to advertise for the receipt of proposals for said services.

/s/ Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

**RESOLUTION #2014 - 297**

**A RESOLUTION OF THE BOROUGH OF  
SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF  
NEW JERSEY AUTHORIZING THE SAYREVILLE  
FIRE DEPARTMENT USE OF OUT-OF-SERVICE VEHICLES**

**WHEREAS**, the Garage Services Department of the Borough of Sayreville took certain vehicles out of services and transferred said vehicles to Fort Grumpy;

**WHEREAS**, the Sayreville Fire Department has requested the use of the said vehicles; namely: (1) a Chevy Lumina VIN#2G1WL52M3T9243576; a Ford Crown Victoria VIN#2FAHP71W15X109673; a Ford Bronco VIN#1FMEU15H6SLB65689 and a Ford Crown Victoria VIN#2FAFP71W31X179774 for its re-certification in vehicle extrication on the grounds at Fort Grumpy; and

**WHEREAS**, the Garage Services Department and the Department of Public Works representatives agree to the use and will schedule the said vehicles to be scrapped after the re-certification takes place; and

**BE IT AND IT IS HEREBY RESOLVED** that Mayor and Council of the Borough of Sayreville do hereby authorize and grant permission for the requested use by the Sayreville Fire Department and the subsequent removal of said vehicles for scrap.

/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 #2014-298**  
**RECOGNIZING THE MONTH OF OCTOBER AS**  
**NATIONAL BREAST CANCER AWARENESS MONTH**

**WHEREAS**, the Mayor and Governing Body of the Borough of Sayreville desire to recognize the Month of October as National Breast Cancer Awareness Month; and

**WHEREAS**, the National Breast Cancer Awareness Month campaign is comprised of national public service organizations, professional medical associations and government agencies working in partnership to raise awareness, share information and provide access to screening services; and

**WHEREAS**, many strides have been made in breast cancer awareness and treatment, but even more still needs to be accomplished; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Sayreville, recognize the Month of October as National Breast Cancer Awareness Month and are hopeful that those listed below will join with us in this most worthy recognition.

**BE IT FURTHER RESOLVED** that a certified copy of this duly adopted resolution be forwarded to:

1. The Honorable Chris Christie, Governor, State of New Jersey.



2. Members of the United States Senate and Congress Representing New Jersey
3. New Jersey State Senate and New Jersey State Assembly Members Representing Middlesex County.
4. Jennifer Velez, Commissioner, NJ Department of Human Services.
5. Mary E. O'Dowd, Commissioner, NJ Department of Health & Senior Services.
6. Middlesex County Municipalities.

/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 -299**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION  
OF A LEASE TERMINATION AGREEMENT WITH  
ALBEMARLE CORPORATION**

**WHEREAS**, the Borough of Sayreville entered into a Lease Agreement dated August 1990 with Ethyl Corporation; and

**WHEREAS**, Albemarle Corporation is a successor in interest to the rights and liabilities of Ethyl Corporation with respect to the Property including the Lease Agreement; and

**WHEREAS**, no Certificate of Occupancy or temporary Certificate of Occupancy was ever issued and the term of the Lease Agreement was never commenced by the parties; and

**WHEREAS**, the parties now desire to terminate the Lease; and

**WHEREAS**, Albemarle agrees to pay the Borough of Sayreville the sum of Ten Thousand (\$10,000.00) Dollars and in return, the Borough of Sayreville agrees to surrender the Lease and any claims to the Premises, and the Lease Agreement shall be considered null and void.

**BE IT AND IT IS HEREBY RESOLVED** that Mayor Kennedy O'Brien and Borough Clerk, Theresa A. Farbaniec, are hereby directed to execute the Lease Termination Agreement between the Borough of Sayreville and Albemarle Corporation.

/s/ Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

**RESOLUTION #2014-300**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures pending the results of his physical examination:

**NAME OF APPOINTEE:** Tom Bracken

**POSITION:** Information Technology Specialist  
(Management)

**DEPARTMENT:** Administration & Finance

**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/ Ricci Melendez, Councilman  
(Sponsor)

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-301**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through State Contract #T-2928/85523, One (1) Trailer Mounted Message Board for the Borough of Sayreville, Police Department, from Ver-Mac of Qubec, at a total cost not to exceed \$13,493.00.

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

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

Formatted: Font: Times New Roman, Bold

**RESOLUTION #2014-302**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REJECTING THE BIDS  
RECEIVED FOR PLUMBING WORK AND REPAIRS**

**WHEREAS**, the Borough of Sayreville accepted Bid Proposals for Plumbing Work and Repairs on August 19, 2014; and

**WHEREAS**, after all of the packages were reviewed it was decided that the Borough of Sayreville would purchase any equipment needed and perform the necessary plumbing work and repairs in-house; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, that all of the bids received on August 19, 2014 for Plumbing Work & Repairs are rejected as unnecessary.

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

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-303**

**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 Contract Change Order No. 1:

- Project: 2013 Roadway Paving & Reconstruction Project – Phase I

- Contractor: Lucas Construction Group, Inc.  
173 Amboy Road  
Morganville, NJ 07751
- Net Increase/Decrease:  
No change in original contract price.
- 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.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE;**

/s/ Theresa A. Farbaniec \_\_\_\_\_ /s/ Kennedy O'Brien  
Municipal Clerk Mayor

Formatted: Font: Times New Roman, Bold

Formatted: Font: Times New Roman, Bold

Formatted: Font: Times New Roman, Bold

**Resolution 2014-304**

**WHEREAS**, Doris Kuchta has posted the following bonds with the Borough of Sayreville for Block 92, Lots 97 to 100 and 148 to 152; Block 93, Lot 1:

Performance Bond #S05446 in the amount of \$40,000.

**WHEREAS**, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required work has been completed and has recommended the release of said bond.

**NOW, THEREFORE, BE IT RESOLVED** that the proper Borough Officials are hereby authorized and directed to release said performance bond in the total amount stated.

/s/ Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

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

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

**RESOLUTION #2014 – 305**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING MEC LAND, LLC (F/K/A VG RESOURCES AT SAYREVILLE, LLC) TO SUBMIT AND FILE THE APPROPRIATE PERMIT APPLICATIONS TO THE APPLICABLE REGULATORY AGENCIES FOR THE DEVELOPMENT OF THE POWER PLANT PROJECT**

**WHEREAS**, the Mayor and Council of the Borough of Sayreville, by Resolution #2010-70 adopted on March 22, 2010 authorized the Sayreville Planning Board to make an investigation and hold a public hearing to determine whether Block 56, Lots 1.01 and 2.02; Block 57.02, Lot 1; Block 57.04, Lot 1; Block 57.05, Lot 1; Block 58, Lots 6 & 7 (known as Sayreville Landfill #3); Block 283, Lot 3; and Block 283 (Melrose Site) constitute an area in need of redevelopment; and

**WHEREAS**, the Sayreville Planning Board conducted an investigation in accordance with applicable law and determined that the aforementioned lots meet the statutory criteria for a “Redevelopment Area” within the meeting of N.J.S.A. 40A:12A-6(c) and (e); and

**WHEREAS**, the Sayreville Planning Board recommended that the Borough of Sayreville declare the aforementioned lots to be “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12a-1 et. seq.; and

**WHEREAS**, the Mayor and Council by Resolution # 2010-70 declared Block 56, Lots 1.01 and 2.02; Block 57.02, Lot 1; Block 57.04, Lot 1; Block 57.05, Lot 1, Block 58, Lots 6 & 7 (Known as the Sayreville Landfill #3 Site), Block 283, Lot 3, and Block 283 (Melrose Site) to be an area in need of redevelopment and directed to the Planning Board to prepare a redevelopment plan for the area; and

**WHEREAS**, a redevelopment plan entitled “Sayreville Landfill and Melrose Redevelopment Plan” was presented to the Governing Body for review and adoption; and

**WHEREAS**, by Ordinance #239-13, the Mayor and Council adopted the redevelopment plan entitled “Sayreville Landfill and Melrose Redevelopment Plan”; and

**WHEREAS**, MEC Land, LLC (f/k/a VG Resources at Sayreville, LLC), has been designated as the redeveloper of the Sayreville Landfill #3 (“Site”) by the Sayreville Economic Redevelopment Agency (“SERA”) and appeared before SERA to present its plans and anticipated schedule for the development and construction of a Power Plant on the Site; and

**WHEREAS**, SERA and MEC Land, LLC entered into a Memorandum of Understanding (“MOU”) dated December 28, 2012 the consideration of which required that MEC Land, LLC to make monthly options payments to SERA and the Borough of Sayreville for sole right to purchase the Site from the Borough of Sayreville for the Power Plant Project; and

**WHEREAS**, the Mayor and Council of the Borough of Sayreville recognizes that in consideration for the option payments currently being made to the Borough and SERA pursuant to the MOU by MEC Land, LLC, it has the exclusive and the sole right to purchase the Site for the Borough; and

**WHEREAS**, MEC Land, LLC, and SERA plan to negotiate and execute a Redevelopment Agreement with SERA which will formalize the rights and responsibilities of the parties in connection with the development of the Power Plant on the Site including the purchase and sale of the Site to MEC Land, LLC; and

**WHEREAS**, in order to proceed with the development of the Power Plant project, it is necessary for MEC Land, LLC as the designated redeveloper for the Site to file and submit all required permit applications to the applicable regulatory agencies for the development of the Power Plant on the Site; and

**WHEREAS**, the Mayor and Council of the Borough of Sayreville recognizes the need for MEC Land, LLC to immediately proceed with the filing of all required permit applications to the applicable regulatory agencies and;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey that the Governing Body consents and authorizes as the current owner of property of the Sayreville Landfill #3 site for MEC Land, LLC to submit and file all required Project permit applications to the applicable regulatory agencies with copies to the Borough Engineer for the Power Plant Project. A copy of this adopted Resolution is to be provided to MEC Land, LLC.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

• **RESOLUTION(s) TO BE READ IN FULL:**

**RESOLUTION # 2014-306**  
**RESOLUTION OF THE BOROUGH OF SAYREVILLE**  
**AUTHORIZING GRANT APPLICATION FOR THE SAYREVILLE**  
**ALLIANCE FOR FAMILY EDUCATION COMMITTEE TO**  
**APPLY FOR COMPETITIVE FUNDING ROUND 2014**

**WHEREAS**, the Borough of Sayreville has established a local Municipal Alliance program to assess substance abuse concerns for the Borough and implement appropriate prevention activities; and

**WHEREAS**, the Middlesex County Department of Human Services, Division of Alcoholism and Drug Abuse provides grants to support programming efforts; and

**WHEREAS**, C.26:2BB-9 allows the governing body of each municipality to appoint a Municipal Alliance Committee; and

**WHEREAS**, the Municipal Alliance Committee, in consultation with the Local Advisory on Alcoholism and Drug Abuse, shall identify alcoholism and drug prevention, education and community needs; and also shall implement the Alliance programs formulated pursuant to section 8 of P.L. 1989,C.51 (C.26:2BB -8):

**WHEREAS**, the Borough of Sayreville Alliance for Family Education Committee is applying to the County for competitive funding in the amount of \$6,700.00, with a cash match in the amount of \$1,675.00, in addition to their grant funding acceptance of \$39,655.;

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of Borough of Sayreville do hereby accept the attached Municipal Alliance competitive funding application and authorize its submission to the Middlesex County, Department of Human Services, Division on Alcoholism and Drug Abuse for consideration

**BE IT FURTHER RESOLVED**, that upon approval by the County, the Mayor and Council of the Borough of Sayreville do hereby authorize the acceptance of grant funds from the Middlesex County, Department of Human Services, Division on Alcoholism and Drug Abuse to support the above activity, as outlined in the grant and authorizes its execution:

/s/ Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt, Bold

Mayor O'Brien opened the meeting to the public for questions or comments on the Resolution #2014-306.

There were no appearances. Mayor O'Brien called for a motion.

Council President Novak moved the public portion be closed and Resolution #2014-306 be approved on Roll Call vote. Motion seconded by Councilman McGill.

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

**Business Session Agenda – Committee Report - October 27, 2014**

• **ADMINISTRATIVE & FINANCE – Councilman Buchanan (Absent)**

a) **Minutes & Departmental Reports:**

Councilwoman Novak made a motion to receive and file the following Minutes/Reports be Received & Filed:

- 1) Municipal Clerk's report for the month of September, 2014
- 2) Investment Activity Report for the month of August, 2014

- Motion seconded by Councilman McGill.

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

- 1) Sayreville Thursday Senior Club to conduct On Premise 50/50 on 12 various dates in 2015 (RA:1897).

- b) Approved

c1) Application for **Person to Person & Place to Place transfer** with conditions of PRCL#1219-33-058-007 from Shooters, Inc. to Pure Event Center, Inc. and locating it to its previous location of 1970 Route 35 North.

c2) **Application for Waiver** of compliance with Ord. 6-5.8 to locate within 2,000' of another Plenary Retail License Premises.

- c1 & 2 Approved/ Resolutions.

d) Tax Assessor requests the Governing Body's support (by Resolution) of Assembly and Senate Bills #A-366/S-1713 respectively, clarifying Verizon's responsibility concerning the Business Personal Property Tax (BPPT). The bills would clarify the responsibility of Verizon and other Telecommunications Corp. to continue to remit the BPPT a property tax relief revenue.

- Resolution in Support.

e) Committee Reports – 1) Progress.

• **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

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

- 1) Board of Adjustment Minutes of August 27 & Sept. 24, 2014
- 2) Middlesex County Planning Board Minutes of September 9, 2014
- 3) Construction, Zoning & Code Enforcement, & Fire Prevention reports for the month of September, 2014.

Motion seconded by Council President Novak.

b) Received Notice regarding Woodbridge Township's application to the DEP for Flood Hazard Area Individual Permit and notification of 15 day comment period.

- Engineer stated that this is a Fed Ex facility in Woodbridge requesting to expand their parking lot and that there will not be any impact on Sayreville.

c) Committee Report: 1) Progress.

• **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports:**

Councilman Rittenhouse moved the following minutes and or reports be received & filed:

- 1) Court Administrator, Police Chief, Board of Health, Registrar and County Reports for the month of Sept., 2014.

Motion seconded by Councilman McGill.

b) Letter of resignation received from Firefighter Dan Greenhaus of Morgan Hose & Chemical Co. No. 1.

- Receive & File

c) Committee Reports – Councilman Rittenhouse

- 1) Congratulated the Sayreville War Memorial High School Band for winning the State Championship.

- 2) Requested an amendment to the recent Hotel/Motel Ordinance to have an exception for certain groups of people such as construction workers from the immediate area.
- 3) Update on the Energy Aggregation Issue – He said that Mr. Frankel informed him that 2,274 people opted out of the program and there are still people out there who were not notified.
- 4) Questioned the Borough Attorney if he obtained a clarification on SERA meetings being broadcast.  
- Mr. DuPont stated that documents were forward to Co. Rittenhouse he also reached out to the SERA's counsel and is still waiting for a response.  
Councilman Rittenhouse reviewed sections of the under the Local Redevelopment & Housing Law in Title 40A and other areas in their By-Laws. He also expressed his disappointment with SERA and how it operates as well as its Chairman with respect to how he treats other people. Councilman asked again that SERA consult with the Board of Education regarding the POINT Re-Development.

• **RECREATION – Councilwoman Eicher**

- a) **Minutes & Departmental Reports:**  
Councilwoman Eicher moved the following Minutes/Reports be Received & Filed:
  - 1) Recreation Director's report for the month of Sept., 2014.
  - 2) Cultural Arts Council minutes of Sept. 10, 2014.Motion seconded by Councilman McGill.
- b) Committee Reports -
  - 1) Reported on upcoming and past recreation sponsored events.
  - 2) Envelopes used by the Sayreville Housing Authority have Sayreville spelled incorrectly. Clerk to notify.

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

- a) **Minutes & Departmental Reports:**  
Councilman Melendez moved the following Minutes/Reports be Received & Filed:
  - 1) Water & Sewer Director's report for the month of Sept., 2014.Motion seconded by Councilwoman Novak.
- b) Committee Reports-
  - 1) Progress.

• **PUBLIC WORKS – Council President Novak**

- a) **Minutes & Departmental Reports:**  
Council President Novak moved the following reports/minutes be received & filed:
  - 1) Rent Leveling Board Minutes of October 14, 2014
  - 2) Public Works Reports –  
Buildings & Grounds, Parks, Recycling, Roads, Garage Services, Sanitation
  - 3) Office on Aging Report all for the month of September, 2014.Motion seconded by Councilman McGill.
- b) Committee Reports:
  - 1) Progress.

• **MAYOR – Kennedy O'Brien**

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

- **Public Safety**

- 1) Authorization to for title change for Patrick Brennan and Glen Wagner to Public Safety Communicator Per Diem as per Civil Service rules.  
- Approved for Resolution.
- 2) Authorization to purchase one (1) New Pierce Pumper for the Fire Dept. through the Houston Galveston Area Council Cooperative Purchasing System in the amount of \$623,609.  
- Approved for Resolution.

- 3) Authorization for the Clerk to advertise for the receipt of bids for one (1) 40' x 60' x 12'4" Pre-Fabricated Bldg and Installation at the Police Range.

- Approved for Resolution.

**- Public Works/Recreation**

- 1) Authorization to purchase and install playground equipment for Fielek Park through Middlesex County Regional Education Commission Services (MRESC) Cooperative Purchasing System from GameTime of Spring Lake, NJ in the amount of \$35,551.81 and Installation by Whirl Construction a Certified Game Time Installer in the amount of \$12,800.

- Approved for Resolution / two (2) Resolution required.

**- Water & Sewer**

- 1) Authorization to Request Proposals for the Repair and Maintenance of Water & Sewer Dept. Pumping Station.

- Approved for Resolution.

**Personnel**

One item for Executive Session

• **C.F.O. - Wayne Kronowski**

- 1) Bill List Resolution

- 2) Best Practices Inventory Discussion

- Under the Best Practices survey "Authorities" to be reviewed by the governing body if they are still needed by the municipality. The Borough has the Sayreville Housing Authority and SERA and both bodies are still needed.

Mayor asked if there were any questions regarding the need for either the Sayreville Housing Authority or SERA. None made.

Mr. Kronowski stated that this discussion and decision would satisfy this area in the Best Practices Inventory.

- 3) Transfer Resolution

- 4) Report of Bond Sale held on October 21, 2014 (Report distributed tonight)

- 5) Resolution to authorize the participation in the SEC Municipalities Continuing Disclosure Cooperation Initiative.

- 6) Authorization for the participation in and execution in the Securities Exchange Commission (SEC) Municipalities Continuing Disclosure Cooperative Initiative.

• **BOROUGH ENGINEER -Jay Cornell**

- 1) Improvements to Kennedy Park Spillway – Closeout of Contract and Change Order  
- Approved for Resolution.

- 2) War Memorial Park Walking Path Improvements – Closeout of Contract and Change Order

- Approved for Resolution.

- 3) Ciecko Court Drainage Improvements – Design Authorization

- Approved for Resolution.

• **BOROUGH ATTORNEY - Michael DuPont**

No report.

• **PUBLIC PORTION**

At this time the Mayor opened the meeting up to the public for any and all questions or comments. He also announced that the 5 minute limitation will be enforced.

Those appearing were:



- Mr. Strek, 58 Nickel Avenue

Mr. Strek questioned or commented on:

- 1) Graffiti back between old theatre & rice cake store.
- 2) Thanked Mr. Rittenhouse for getting rid of the two 55 gallon drums he mentioned at the last meeting.
- 3) Grates around trees should be replaced with mulch like South Amboy has around their trees.
  - Mr. Frankel said he reported issue to Shade Tree and is waiting to hear for a reply from them.
  - Co. Novak said that she will discuss at the next Shade Tree Commission meeting.
- 4) Commented about the report Co. Novak made with regards to unsafe work conditions in the Dept. of Public Works garage.
  - Councilwoman Novak stated that her comment were from an actual report completed by the State.
  - Mayor said that discussions have been held regarding a new public works facility and it seems that is where discussions seem to stop.
- 5) Asked that perhaps the DPW Director or Foreman attend a meeting and report issues to the governing body.
- 6) Reported that the American Legion Color Guard performed their 50<sup>th</sup> event of the year.
  - Applause by all of the Governing Body.
  - Mayor announced that the Soccer Fields on Bordentown Avenue was dedicated to Corpl. Haussermann. He said that Ken Kelly our Veteran Liaison put the program together and the Color Guard were in attendance and looked very sharp. He said that Mary Paskell the owner of the studio on Main Street took a number of pictures and put it to music. He thanked her for the CD's she provided to the borough.

- Barbara Kilcomons, 22 Schmitt St.

Commented and questioned:

- 1) Grass/weeds not cut along Main Street (SERA property), by Schmitt St. as well as litter.
  - Mayor asked for Mr. Rittenhouse to get in touch with SERA and advise them.
  - Councilwoman Novak and Co. Rittenhouse both commented that they thought it was taken care of but will check.
- 2) A while ago a family came and complained about the borough property (parks dept.) equipment/storage facility and that there was to be a privacy fence installed.
  - Clerk Farbaniec indicated that there was a privacy fence installed when the complaint was made but recently noticed that it no longer was up but would follow up on it.

- Troy Jankowski, 19 Hart Street

Chairperson on the Skate Park Committee.

- 1) Update on the progress of the Skate Park Committee and proposed a scope of repairs presented by CME Associates on these issues.
  - a) After a No. Eastern storm he indicated that there was no puddling so he does not believe that is an issue.
  - b) He said that he is concerned about if jack hammering is done around the platform this could be an issue and may cause undermining and may compromise the integrity of the walls of the pool.

Mayor complimented Mr. Jankowski as he was one of the ones on the first committee when the skate park was first being discussed. And now we have one of the finest Skate Parks of that size.

- c) Would like to meet with CME to go over some of their issues.

Mayor said that would not be an issue.

- d) He said that Gerdau Amersteel would like to make a generous donation in lieu of money or products.

e) Questioned if the Skate Park Committee themselves could donate the products such as cameras. He indicated that getting approval for the 501c is a larger hurdle than they thought it would be, so they are looking to coordinate with another organization to accept the monies.  
- Mayor said the product is for security and to coordinate it with the chief as well as the borough engineer.

f) He said that formal updates will be going out as they progress.

No further questions or comments

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

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION –**  
Mayor O'Brien announced that the Council will be going into Closed Session.

Mr. DuPont 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:

- Personnel & Employment Matters
  - Possible Litigation

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

Councilwoman Novak moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes. Carried.

**Time: Approx. 8:00 PM**

- **RECONVENE – 8:06 PM**

Councilwoman Novak moved to reconvene the meeting. Motion was seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:07 P.M.

SIGNED:

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

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