

Mayor O'Brien opened the Council Meeting at 7:01 PM. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this February 26, 2018 Council 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 is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Grillo, Kilpatrick, Lembo,
Melendez, Novak

Absent: Councilman Buchanan

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

Others Absent: None

- **APPROVAL OF PRIOR MINUTES OF THE MAYOR AND COUNCIL:**

Council President Kilpatrick moved the following Council Minutes be approved, subject to correction if necessary:

- ☒ February 12, 2018 - Council and Agenda Sessions
- ☒ February 12, 2018 - Executive Sessions I & II

Seconded by Councilwoman Novak.

Roll Call – Voice Vote, all Ayes.

- **SWEARING IN**

Before the Swearing In, Police Chief Zebrowski introduced the four new police officers and spoke about them being family members of officers and now they are taking up the call as police officer.

Clerk administered the Oaths of Office to:

- **Joseph Bartlinski**
- **Jaime Unkel**
- **Patrick Brennan**
- **Keith Gotta**

- **PROCLAMATION & PRESENTATIONS**

a) Proclamation for Youth Art Month 2018 being presented to:

-Middlesex County Arts High School and Middle School

Present were:

Anthony Petito, Executive Artistic Director,

Russell Andersen, Volunteer,

Deborah Cavanaugh, Program Administrator.

Mayor read and presented the following Proclamation to Executive Director Anthony Petito:

Youth Art Month 2018

Borough of Sayreville Proclamation

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following:

- ◆ Art education develops students' creative problem-solving and critical thinking abilities;
- ◆ Art education teaches sensitivity to beauty, order, and other expressive qualities;
- ◆ Art education gives students a deeper understanding of multi-cultural values and beliefs
- ◆ Art education reinforces and brings to life what students learn in other subjects; and
- ◆ Art education interrelates student learning student learning in art production, art history, art criticism and aesthetics

WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students' education,

THEREFORE, BE IT RESOLVED, it is proclaimed that March be observed as YOUTH ART MONTH. All Citizens are urged to take interest in and give full support to quality school art programs for children and youth.

NOW, THEREFORE, I, Kennedy O'Brien,
Mayor of the Borough of Sayreville, County of Middlesex,
State of New Jersey do hereby proclaim March 2018 as Youth Art Month.



**b) Proclamation acknowledging and observing April 27, 2018
as Arbor Day in the Borough of Sayreville**

Council President Kilpatrick read the following proclamation into record.

PROCLAMATION

WHEREAS, The Borough of Sayreville was named Tree City USA by the Arbor Day Foundation in honor of its commitment to effectuate urban forestry management; and

WHEREAS, Sayreville obtained this recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget and an Arbor Day observance and proclamation; and

WHEREAS, Tree City USA program was started in 1976 and is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters; and

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and world;
and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

NOW, THEREFORE, I, Kennedy O'Brien, Mayor and Victoria Kilpatrick, Council President of the Borough of Sayreville, do hereby acknowledge that **ARBOR DAY** will be observed April 27, 2018 and urge all citizens to support efforts to protect our trees and woodlands to support our town's urban forestry program.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 26th day of February, 2018 and the same duly attested by the Municipal Clerk.



Council President Kilpatrick made a motion to accept the Mayor's Proclamations as read. Motion was seconded by Councilman Lembo.

Roll Call: Voice Vote, all Ayes.

APPOINTMENTS:

Mayor appointed Kenneth Kreisler to the Housing Authority as the Mayor's Designee. Motion was seconded by Councilman Lembo (although a second is not necessary).

Council President Kilpatrick moved the following Appointments:

Cultural Arts Council – 1 Yr. Term

Dorothy Magee, Heather Tumbleson, Mike Tumbleson and Edna Pilch.

Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Recreation Advisory Board-3 Yr. Term

Bruce D'Apolito

Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Mayor called upon Jeff Nelson who is working on his Merit Badge for Eagle Scout.

He introduced himself as Jeffrey Nelsen and lives at 51 Jensen Road, Sayreville, NJ. He said that he is working on his Merit Badge that is required for his Eagle Scout and the topic is citizenship in his community. He said that he was asked to interview a member of the Council and proceeded to ask a few questions.

Mayor introduced the rest of the Council to him.

Mr. Nelson interviewed the Mayor followed by the Council.

In return the Council President commented on what her concerns are in town and what items are on her agenda. Mayor asked him what he would like to see changed or fixed in our town. Jeff Nelson commented on the parks and cleanup.

• **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

Municipal Clerk Farbaniec read the heading for the following ordinances listed for Public Hearing:

Mayor O'Brien opened the meeting to the public on Ordinance #395-18.

There were no appearances.

Councilwoman Novak moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law.

Motion was seconded by Councilwoman Kilpatrick.

Roll Call:

Ayes: Councilpersons Novak, Grillo, Kilpatrick, Lembo, Melendez.

Nays: None

ORDINANCE #395-18

**BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF
THE PULASKI AVENUE WATER TANK IN THE BOROUGH OF
SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,000,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,000,000
BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF
SUCH APPROPRIATION**

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. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$2,000,000, said sum being inclusive of all appropriations heretofore made therefor. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 4(e) of this bond ordinance.

Section 2. For the financing of the improvements or purposes, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,000,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$2,000,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the rehabilitation of the Pulaski Avenue water tank, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said improvements or purposes is \$2,000,000.

(c) The estimated cost of said improvements or purposes is \$2,000,000.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 40 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and an electronic copy thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,000,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements or purposes.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the

Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable real property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$2,000,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

Public Hearing on Ordinance 396-18.

ORDINANCE #396-18 - Tabled

(Motion to Table for Revisions)

**AN ORDINANCE AMENDING CHAPTER V – POLICE REGULATIONS
TO AD A SUBSECTION ENTITLED “BASKETBALL HOOPS” OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**

(Co. Kilpatrick, Public Works Committee – Public Hearing Feb. 26, 2018)

Council President asked that Ordinance 396-18 the Basketball Hoop ordinance be Tabled as the dates were not added to this revised version and reintroduce later in the meeting as the corrected version is listed for Introduction. Motion was seconded by Councilwoman Novak.

Roll Call – Ayes: Councilperson Kilpatrick, Grillo, Lembo, Melendez, Novak.
Nays: None.

ORDINANCE #397-18 - Tabled

Revised

**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",
TO ADD SUBSECTION 2-68, "COAH OVERSIGHT COMMITTEE"
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**

(Co. Grillo, Sponsor – Public Hearing Feb. 26, 2018)

At this time Mayor O'Brien opened the meeting to the public for questions or comments on Ordinance #398-18.

Those appearing were:

- James Robinson, 11 Borelle Square

Questioned section 2-68.2 Membership and the use of the term "within the Borough of Sayreville" if it could mean a Townhouse Association Board. Councilperson Grillo explained that this was not the intent.

Further responded to by the Borough Attorney that this was not the intent. He went on to say that he spoke with Mr. Surenian regarding this committee and he felt this was not the most efficient committee at this point and time. He recommended a Mount Laurel Committee and he said that based upon his conversation with Mr. Surenian that this Ordinance be Tabled, he would bring it back to Mr. Surenian and see what the composition of a Mt. Laurel Committee is.

He said the Council President Kilpatrick also had conversations with Mr. Surenian.

Councilman Grillo expressed his frustration why he was not privy to these conversations or knew nothing about this until now, as he was the one who drafted the ordinance.

Mr. DuPont apologized for not keeping him in the loop, as he should have.

Mr. Robinson then asked if this Ordinance was going to be tabled. He went on to say that there ought to be real agenda sessions to discuss these items.

Councilman Grillo made a **Motion to Table Ordinance 397-18** so Mr. DuPont can get more information on the Mount Laurel Committee and to close the Public Hearing. Motion was seconded by Councilwoman Novak.

Roll Call - Ayes: Councilpersons Grillo, Kilpatrick, Lembo, Melendez, Novak.
Nays: None.

Mr. DuPont again apologized for not getting in touch with Mr. Grillo after speaking with Mr. Surenian. He said that he will make sure that he gets a draft of the Mt. Laurel Committee Ordinance and e-mail it to him. The Mayor asked that he e-mail it to the entire council.

Council President Kilpatrick stated that she did speak with Mr. Surenian on another matter regarding attorney fees that were to be awarded to the developer, etc. and during that conversation Mr. Surenian asked if she knew anything about the ordinance. She went on to say that she found Co. Grillo's comments offensive. She then commented about Mr. Surenian's expertise in this field.

Councilman Grillo apologized to Councilwoman Kilpatrick if she was insulted, but that the comments Mr. DuPont made were not how she explained them. He again expressed his frustration regarding the fact that he did not know anything about the suggested changes made tonight.

Mayor opened the meeting up to the Public for questions or Comments on Ordinance #398-18.

There were no appearances.

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

Roll Call:

Ayes: Councilpersons Novak, Grillo, Kilpatrick, Lembo, Melendez.

Nays: None

ORDINANCE 398-18
**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS
FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING
\$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$2,850,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**

(Co. Novak, Admin. & Finance – Public Hearing Feb. 26, 2018)

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. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$3,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$150,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$3,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,850,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$2,850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are the (i) improvement of portions of Truman Avenue, Fouratt Avenue, Ridge Avenue, Rhode Street, Columbia Place, Roosevelt Boulevard, South Minisink Avenue, Lakeview North/South (including traffic signal cameras), and Thomas Street and (ii) improvement of Mac Arthur Avenue, Pillar Drive, Ida Street, Hillside Avenue (including seams on North Edward Street), Yorkshire Place, Warwick Road, Harkins Street, Tower Lane, Devonshire Road and Allgair Street Lot, in each case together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$2,850,000.

(c) The estimated cost of said purposes is \$3,000,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$150,000 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 10 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a copy thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,850,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of

expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$2,850,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

/s/ Mary J. Novak, Councilwoman
(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

• **NEW BUSINESS:**

a) Introduction of the following ordinances:

ORDINANCE #399-18 (Revised)
AN ORDINANCE AMENDING CHAPTER V, POLICE REGULATIONS
“BASKETBALL HOOPS”,
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE

Mayor asked how this ordinance was different from the one we just Tabled.

Mr. DuPont said that we just added specific dates. Such as November 30th through March 30th. The ordinance was explained by the Borough Attorney.

Council President Kilpatrick moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on March 12, 2018. Motion was seconded by Councilwoman Novak.

Roll Call – Ayes: Councilpersons Kilpatrick, Grillo, Lembo, Melendez, Novak.
Nays: None.

CONSENT AGENDA/RESOLUTIONS

At this time the Mayor opened the meeting for questions or comments on Consent Agenda Resolutions.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street

Questioned Resolution #2018-69 regarding pole barns and if this was included in last year’s budget.

Wayne Kronowski responded that there was some money left in a Bond Ordinance from 2016 and in the Bond Ordinance from 2017 and that this figure was for \$70,000.

Questioned Resolution 2018-70 the sale of vehicles through bid process and what happens if we don’t get the min. bid.

Clerk explained that this was not a regular auction. These are the vehicles that are towed by our licensed wreckers that if no one claims, so in accordance with State Statute we can dispose by a bidding process or roll over the titles.

There being no further appearances. Mayor O’Brien called for a motion.

Councilman Grillo moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Motion was seconded by Councilwoman Novak.

Roll Call on Consent Agenda Resolutions:

Ayes: Councilpersons Grillo, Kilpatrick, Lembo, Melendez, Novak.

Nays: Councilpersons Grillo voted No on Resolution 2018-72.

RESOLUTION #2018-82

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
Kennedy O'Brien, Mayor

Absent
Councilman Daniel Buchanan

/s/Pasquale Lembo
Councilman Pasquale Lembo

/s/Steven Grillo
Councilman Steven Grillo

/s/Ricci Melendez
Councilman Ricci Melendez

/s/Victoria Kilpatrick
Council President Victoria Kilpatrick

/s/Mary J. Novak
Councilwoman Mary J. Novak

Bill list of February 26, 2018 in the amount of \$7,975,815.36 in a separate Bill List File for 2018 (See Appendix Bill List 2017-A for this date).

RESOLUTION # 2018-63

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN
THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING SHRI DWARKADHIS TEMPLE'S
RELIGIOUS EVENTS**

WHEREAS, the Shri Dwarkadhis Temple's has requested permission from the Mayor and Council of the Borough of Sayreville to conduct religious events on March 10 & April 14, 2018.

WHEREAS, the Mayor and Council wish the Borough of Sayreville to be an ecumenical community;

WHEREAS, the schedule of the events are religious and holy in nature; and

WHEREAS, the Shri Dwarkadhis Temple has agreed that before each religious event that will notify the Sayreville Police Department, the Department of Public Works, the Recreation Department and the Sayreville Emergency Squad days prior to each event on the Shri Dwarkadhis Temple property; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that on February 26, 2018 the Borough Council authorized the Shri Dwarkadhis Temple to hold its religious events on March 10 and April 14, 2018 from 4:00 P.M. – 8:00 P.M.

/s/Ricci Melendez, Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

RESOLUTION #2018-64

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
APPROVING AND AUTHORIZING THE ISSUANCE OF A
SPECIAL EVENT PERMIT TO SAYREVILLE POLICE AUXILIARY
TO CONDUCT A CARNIVAL**

WHEREAS, Sayreville Police Auxiliary in conjunction with the Sayreville Police Department has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a Carnival at Kennedy Park from April 26, 2018 through April 29, 2018; and

WHEREAS, the Sayreville Police Auxiliary also requested the use of the Borough mobile stage, table, chairs and tents; and

WHEREAS, it is the belief of the Mayor and Council that such an event provides activities which are family and community oriented and will enhance community spirit and awareness; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Sayreville Police Auxiliary in conjunction with the Sayreville Police Department is granted permission to conduct a fund raising Carnival at Kennedy Park from April 26 – April 29, 2018, as well as the use of the borough’s Mobile Stage, tables, chairs and tents all subject to their posting of a \$10,000.00 bond, the filing the proper facility’s use forms, hold harmless agreement and posting of the proper certificate of insurance. All fees and other services associated with the event will be from that particular department will be billed at cost.

/s/Ricci Melendez, Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O’Brien, Mayor

RESOLUTION #2018-65

BE IT AND IT IS HEREBY RESOLVED that the following Recreation Program fees are established and sponsored by the Recreation Department:

“Flag Football Sports Camp – Games from the Street”

- **1 week Program** - Residents \$ 105.00 / Non Resident \$130.00

/s/Ricci Melendez
Ricci Melendez, Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

/s/Kennedy O’Brien
Kennedy O’Brien, Mayor

RESOLUTION #2018-66

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

NAME OF APPOINTEE:	Lewis Hassel
POSITION:	Building Inspector ICS
DEPARTMENT:	Construction Office
EFFECTIVE:	March 1, 2018

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

/s/ Pasquale Lembo, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

/s/Kennedy O'Brien
Kennedy O'Brien, Mayor

RESOLUTION #2018-67

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY TO RETAIN THE SERVICES OF SOCKLER REALTY SERVICES GROUP, INC. TO PROVIDE APPRAISAL SERVICES

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an appraiser to review Transco appraisal value; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a) requires that a resolution authorizing such services without competitive bids must be publicly advertised;

WHEREAS, at the February 12, 2018 Agenda Meeting the Mayor and Borough Council approved the retention of Sockler Realty Services Group, Inc. and to provide for said services.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Sayreville that firm of Sockler Realty Services Group, Inc. will review the appraisal provided by Transco for its value at a fee not to exceed \$1,000.00 for both appraisals

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-68

BE IT AND IT IS HEREBY RESOLVED, that the Qualified Purchasing Agent is hereby authorized and directed to advertise for the receipt of bids for Fire Truck Preventative Maintenance and repair.

/s/ Steven Grillo
Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-69

BE IT AND IT IS HEREBY RESOLVED, that the Qualified Purchasing Agent is hereby authorized and directed to advertise for the receipt of bids for a Pole Barn at the Police Firing Range.

/s/ Steven Grillo
Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-70

WHEREAS, N.J.S.A. 39:10A-1, et seq., permits a municipality to sell abandoned, unclaimed and junk motor vehicles by public sale to the highest bidder after advertisement in a newspaper, circulating in the municipality with one publication at least five (5) days before the date of sale; and

WHEREAS, the Borough of Sayreville proposes to sell the vehicles listed below as abandoned motor vehicles to the bidder(s) submitting the highest bid;

YEAR	MAKE	SERIAL #	MIN. BID
1999	Lexus	JT8BD68S2X0052549	\$1000.00
2000	Volvo	YV1VS2554YF474424	\$1000.00
2000	Chevrolet	1Y1SK5282YZ407694	\$1000.00
1998	Pontiac	1GMDX03E5WD281942	\$1000.00
1988	Pontiac	1G2FS21S2JL257116	\$1000.00
1995	Chevrolet	2G1WL52MXS1100119	\$1000.00
1997	Ford	1FMEU18W3VLB85879	\$1000.00
1994	Toyota	JT2GK12E8R0017450	\$1,000.00
2005	Kia	KNDUP131556614764	\$1,000.00
1997	Pontiac	1G2HX52K8VH232529	\$1,000.00
1992	Toyota	4T1SK12EXNU144667	\$1,000.00
2004	Jeep	1J4GW48N84C413433	\$1,000.00*
1996	Cadillac	1G6KD52Y1TU215223	\$1,000.00
2010	Hyundai	5NPET4AC4AH583478	\$1,000.00
2000	Chrysler	3C3EL55H0YT281082	\$1,000.00
2004	Mercury	1MEFM55S04G610837	\$1,000.00
2007	Mazda	JM1BK232X71647702	\$1,000.00
2001	Nissan	5N1ED28T61C576322	\$1,000.00*
2006	Audi	WAUNF78P66A002723	\$1,000.00
2002	Pontiac	1G2NF52F02C219713	\$1,000.00
2006	Hyundai	KMHDN46DX6U274100	\$1,000.00
1998	Oldsmobile	1G3WH52K0WF386732	\$1,000.00
2001	Mitsubishi	4A3AA46G01E166534	\$1,000.00
2007	Toyota	JTDBT923471180387	\$1,000.00
1994	Ford	1FALP42T8RF152602	\$1,000.00
2003	Honda	5FNRL18663B105550	\$1,000.00
2005	Nissan	1N4BA41E45C857957	\$1,000.00*
1994	Ford	1FTCR10A5RTA34481	\$1,200.00
1995	Chevrolet	1GBDM19W5SB248663	\$1,500.00
2013	Toyota	2T1BU4EE3DC104258	\$1,500.00
2015	Ford	3FADP4AJ7FM160108	\$2,000.00
2001	Chevrolet	1GCEC19V71Z202171	\$2,500.00
2008	Mercedes	WDBUF87X08B314909	\$2,500.00
2002	Dodge	1B7GG32N32S526652	\$3,200.00
2004	GMC	1GKDT13S942188897	\$4,500.00
2007	BMW	WBAWV53567PW24819	\$4,800.00
2016	Kawasaki	JKAENEB13GDA15103	\$5,000.00
1995	Jeep	1J4FY19P5SP277188	\$6,500.00
2013	Volkswagen	WVWBP7AN1DE521759	\$7,500.00
2012	Dodge	2C3CDXCT2CH300806	\$9,500.00
2011	Mercedes	WDDGF8BB5BR156355	\$20,000.00

WHEREAS, these vehicles may be inspected on any business day prior to the sale by contacting the Traffic Safety Bureau of the Sayreville Police Department between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday at the Sayreville Public Safety Complex, 1000 Main Street, Sayreville, New Jersey, tel. No. (732) 525-5431, said vehicles are at various locations within the Borough of Sayreville and that information is to be obtained from the Traffic Safety Bureau; and

WHEREAS, the Borough of Sayreville reserves the right to remove any vehicle prior to the sale date, or reject any and all bids, or to award in part or in whole, if deemed in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sayreville that the vehicles listed herein are to be sold as follows:

- All items will be sold on an "as is, where is" basis.
- A **separate 25% deposit** is required to be submitted by posting cash or certified check **individually** for each vehicle being bid on.
- Each **individual** bid along with the deposit shall be **enclosed separately** in a sealed envelope, addressed and submitted to the Borough Clerk's Office of the Borough of Sayreville at 167 Main Street, Sayreville, NJ 08872, no later than 11:00 A.M. on **Thursday, March 22, 2018**, bearing the name of the bidder and item being bid on.
- All vehicles must be paid in full and **removed within four (4) working days from date of sale.**
- In those cases where any of the aforementioned motor vehicles have been towed and stored by a private garage, the minimum bid price shall be adjusted to reflect the amount due and owing for towing and storage.

/s/ Steven Grillo, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION 2018-71

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, recycling regulations impose certain requirements on municipalities such as a condition for applying for grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Sayreville to apply for the **Middlesex County's 2018 Recycling Enhancement Grant**, will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Borough Council to the efforts undertaken by the Borough of Sayreville and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville does hereby endorse the submission of the **Recycling Enhancement Grant** application to Middlesex County and hereby **designates Elyse Barone, CRP/Municipal Recycling Coordinator** to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

/s/ Victoria Kilpatrick
Council President
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-72

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a shared services agreement with the County of Middlesex to provide Goose Control Services in Sayreville Parklands at a fee not to exceed \$10,180.32.

/s/ Victoria Kilpatrick
Council President
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-73

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

NAME OF APPOINTEE:	Rita Januzzi
POSITION:	Keyboarding Clerk 4
DEPARTMENT:	Dept. of Public Works
EFFECTIVE:	January 1, 2018

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

/s/ Victoria Kilpatrick
Council President
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-74

WHEREAS, on February 22, 2016 the Borough of Sayreville awarded a contract for "Water Meters & Related Equipment" to HD Waterworks Supply of Edison, NJ; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for One(1) additional Two (2) year period at no additional increase in price contained therein; and

WHEREAS, HD Waterworks Supply, has indicated their interest in extending their terms of the aforesaid contract for one (1) additional two-year period;

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 Meters & Related Equipment” is hereby renewed for one (1) additional two-year period at no additional increase in price.

/s/ Steven Grillo
Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-75

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through the State Contract One (1) Tow Behind By-Pass Pump from Xylem Dewatering Solutions of Edison, NJ through NJ State Contract #T2864/A85374. at a total cost not to exceed \$37,421.00.

/s/ Steven Grillo
Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-76

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: 2015 Roadway Paving and Reconstruction Project – Phase III
- Contractor: JTG Construction, Inc.
188 Jefferson Street
Newark, NJ 07105
- Net Decrease: \$44,631.01
- 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/ Victoria Kilpatrick
Council President
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-77
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: 2015 Roadway Paving and Reconstruction Project – Phase III
- Contractor: JTG Construction, Inc.
188 Jefferson Street
Newark, NJ 07105
- Balance Due: \$129,513.86

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, THERFORE, 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 \$123,664.65 and the approval of same as to form and sufficiency by the Borough Attorney.

/s/ Victoria Kilpatrick
Council President
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-78

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the painting of the Pulaski Avenue Water Tank and that he be paid for said services at a fee not to exceed \$53,500.00.

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/ Steven Grillo
Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-79

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

NAME OF APPOINTEE:	Sean P. Nolan
POSITION:	Tax Collector – 4 Year Term
DEPARTMENT:	Collection of Taxes
EFFECTIVE:	March 1, 2018

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

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

The Borough Attorney read the following resolutions into record:

READ IN FULL

RESOLUTION #2018-80

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPOINTING COMMUNITY
GRANTS, PLANNING & HOUSING
AS THE DESIGNATED ADMINISTRATIVE AGENT

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Borough of Sayreville is implementing a program to provide

affordable housing units to low- and moderate-income households within the Borough; and

WHEREAS, the Borough has prepared an amendment to its Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the amended Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Borough of Sayreville has selected Community Grants, Planning & Housing Corp. to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Borough.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Borough of Sayreville hereby appoints Community Grants, Planning & Housing Corp. as its designated Administrative Agent.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

Kennedy O'Brien, Mayor - Retuned
Resolution to Clerk unsigned

At this time Mayor O'Brien opened the meeting to the Public for questions or comments on Resolution #2018-80.

There being no appearances Councilwoman Novak moved the Public Portion be closed and the resolution be approved on Roll Call Vote.

Roll Call – Ayes: Councilpersons Novak, Grillo, Kilpatrick, Lembo, Melendez.
Nays – None.

READ IN FULL

RESOLUTION #2018-81
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX
STATE OF NEW JERSEY
TO APPROPRIATE FUNDS OR BOND IN THE EVENT
OF A SHORTFALL IN FUNDING FOR THE
BOROUGH'S AFFORDABLE HOUSING PROGRAMS

WHEREAS, on or about July 6, 2015, the Borough of Sayreville (hereinafter "Sayreville" or the "Borough") filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously, and ultimately secured, a protective order providing Sayreville immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Borough adopted a Housing Element and Fair Share Plan on or about August 2, 2017; and

WHEREAS, it is anticipated there will be an amendment to the Housing Element and Fair Share Plan inclusive of a Spending Plan; and

WHEREAS, it is anticipated one such amendment will contemplate the development of a 100% affordable development at River Road, which will rely upon tax credits and which requires a resolution of intent to bond;

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Borough's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Borough shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sayreville in the County of Middlesex, and the State of New Jersey that to the extent permitted by law, the Mayor and Council does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason inclusive of the anticipated 100% affordable development on River Road; and

BE IT FURTHER RESOLVED that, upon written notification by the Council on Affordable Housing or a court of competent jurisdiction after a finding that inadequate funding exists to complete the affordable housing programs included in the Borough's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Borough agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Committee on Affordable Housing or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED that the Borough may repay debt through future collections of development fees, as such funds become available.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

Kennedy O'Brien, Mayor - Retuned
Resolution to Clerk unsigned

At this time Mayor O'Brien opened the meeting to the Public for questions or comments on Resolution #2018-80.

There being no appearances Councilwoman Novak moved the Public Portion be closed and the resolution be approved on Roll Call Vote.

Roll Call – Ayes: Councilpersons Novak, Grillo, Kilpatrick, Lembo, Melendez.
Nays – None.

• **PUBLIC PORTION – 5 minute limit**

At this time Mayor O'Brien opened the meeting to the public for questions or comments on any and all matters.

Those appearing were:

- Steve Melaneski, Scarlett Drive
 - ❖ He thanked Dan Frankel for his prompt follow-up on the COAH Pro-forma report dated Dec. 18, 2017 that was presented by John Leoncavallo and he felt that the percent numbers, figures and statements were incorrect. He expressed concerns on the infrastructure to take on the additional homes and children, etc. He said that we need more factual information.
- William Gawron, 5 Orchard St.
 - ❖ Suggested the Ordinance dates for the basketball hoops be changed to November 1st, because it has been known to snow earlier.

- ❖ Mr. Gawron updated the council on his issue with Optimum and thanked Mr. Frankel for his prompt help, however the issue remains the same.
- ❖ He asked that the Mayor and Council authorize the Borough Attorney to file an FCC complaint against Optimum and not sign any renewal agreement with them until they agree to comply with the law. Further we should look into Spectrum.

Mayor said that other than the borough spending money on why they won't comply he asked to have Optimum's attorney or rep at our next meeting to explain.

Council discussion followed regarding who currently owns Optimum and who they were in the past.

Mayor asked that the CFO and BA first reach out to other towns and see if they have gone through this process other than spend huge amounts of money in Federal Court.

Councilwoman Novak suggested possibly joining with other towns in filing with the FCC.

Mayor suggested getting in touch with other municipalities and possibly bidding for multiple suppliers.

- Scott Kominkiewicz, 309 Main St., South Amboy
 - ❖ Asked what the genesis was of the talks about the Peddlers & Hawkers Ord. amendment or the possible Food Truck Ord.

Councilwoman Kilpatrick stated that it is being looked into because we do currently have a Peddler's Ordinance on the books which is similar to what they were looking to accomplish with the food trucks. She said that it is in the Borough Attorney's hands.

The Borough Attorney explained that there is a current Peddlers & Hawkers Ordinance which is similar and have taken some paragraphs of another ordinance and are working it into this ordinance.

Councilwoman Kilpatrick said that they were approached by individuals who were looking to do different types of activities like our Board of Education and the PTO's that want to provide the food truck experience.

- ❖ Mr. Kominkiewicz said that the ordinance already contains a permitted P-1 Permit that would permit this type of activity plus there is a provision for Special Events. He also discussed those who have the P-2 Site Specific Licenses. Mr. Kominkiewicz said that he did not see anything on the agenda and if there was something that could be shared.

The Borough Attorney said that it is being worked on and if the Mayor and Council wished him to continue with the amendments they would be in the March 12th packet.

- ❖ Mr. Kominkiewicz expressed his concerns about the saturation of competition that could put his father and Mr. Nagle out of business.

- John Bartlinski, 5 Grand Street, Morgan
 - ❖ Said that he is going through the same problem as Mr. Gawron regarding Optimum not pro rating his bills. He said that he called the BPU and they told him they could not charge him for something he did not get.

Councilwoman Novak said that there are other people experiencing the same problem and the cable company is breaking the law.

Mayor asked that Mr. Frankel place a call to our Legislators and go over the ongoing issues our residents are experiencing with the cable company.

- Ken Olchaskey, 108 N. Edward Street.
 - ❖ Commented on the continued issue with the terrible viewing of these meetings during broadcasting.

Response by Mr. Kronowski.

- ❖ He also questioned where we stand with the Planning Board appointments and when the term begins and terminates for those made in 2017 and the fact that we had people sitting on the board in 2016 that were not appointed.

Response by Mr. DuPont in an opinion made by the Planning Board Attorney Mr. Rogoff and the opinion of his own. He said that he has been in touch with the League of Municipalities, the DCA and hope to have something by March 12, 2018 meeting. He went on to address the Zoning Board appointments and said that there are no conflicts associated with Mr. Esposito and Mr. Green's appointment.

Councilwoman Novak said that that Mr. Rittenhouse was reading from the Borough Ordinance and that is where the confusion came in. She said that she would like the ordinance to reflect the State Statute.

- Laurel Bernoski, 71 Pulaski Avenue
 - ❖ Expressed an issue they have been having with Home Serve and State Taxes not being calculated on the bill and receiving late notices because of it.

Business Admin., Mr. Frankel to follow-up with homeowner.

- Tom Nagle, 15 Dodd Place, Morgan
 - ❖ Expressed his concerns about the food truck issue and questioned the difference between a food truck and a catering truck.

Mayor suggested that Bob and Scott Kominkiewicz and Tommy Nagle meet with the Attorney and the Business Admin. to give their input.

- Bob Kominkiewicz, Ernston Road
 - ❖ Speeding on Ernston Road
 - ❖ Questioned what the buildings were on Bordentown Avenue by the S-curves.

The Engineer said that these buildings are located in Old Bridge Twp. and is going to be a construction yard.

- ❖ Commented on what great programs the Senior Center has to offer. But they need new bingo cards.
- ❖ Commented on the Food Truck issue.
- Jim Robinson, 11 Borelle Sq.
 - ❖ Questioned what happened to the Sr. Housing Complex Project on Ernston Road.
Councilwoman Novak said that The Housing Authority advised them to go before the Planning Board and try to have them incorporate it into the COAH Plan and she said that she understood that the Planning Board said that they were not interested in having that in the COAH Plan.

Mr. Robinson requested that the council take whatever steps were necessary to resurrect the Sr. Housing plan.

Councilwoman Kilpatrick said that Susan Gruel took another look and was able to incorporate many other units and incorporate them into the plan and believe they have exhausted the numbers when it came to Sr. Housing.

- ❖ Commented on the odors coming from the MCUA.

Mr. Frankel said that he called the Executive Director for the MCUA and that he is looking into the odor matter and whether it was the scrubbers or a human error issue.

- ❖ Questioned if any other board or agencies that are taking on capital projects appear before the planning board for review.

Councilman Lembo to bring the matter up before the planning board.

❖ Questioned if there was still a Cable TV Advisory Board.
Mr. Lembo responded that there was not.

- ❖ Questioned what board or group takes in information and complaints about the cable TV issues.

The Business Admin. said that the calls are fielded through his office and the Clerk's office.

- ❖ Spoke about the terms of the planning board members – that it does not follow with the individual it follows with the seat. It begins and ends and if no appointment is not made when the term expires and is made the following year and it was a term of four years then the following year when the member is appointed it would complete the rest of the unexpired or remainder of the term other words finish the rest of the three years. He went on to comment on the Ordinance that Mr. Rittenhouse read.

- Janice Benedetto, 1 Thomas Avenue

- ❖ Asked about the appraisal.

Mr. Frankel responded that we have the appraisals from Sockler Realty Group and we are still pushing for the appraisal from the other company.

Ms. Benedetto spoke about the appraisal figure for the both properties.

Mr. Frankel said to be mindful that the appraisal for the \$1.7 million was done before the Court Order.

- ❖ Questioned the amount in the Open Space Trust Fund.

Mr. Kronowski responded \$470,000 annually is collected.

She then indicated that the Borough has over \$7 million in the fund. She said that the fund has enough money to cover the purchase of the Ernston Road and NL Site.

- ❖ Asked for an update on the litigation.

Mr. DuPont said that there would not be any updates until we receive opposition which is due by March 6th; Oral Arguments are March 16; Judges decision is due on March 28th.

- Jim Robinson, 11 Borelle Square

- ❖ Commented on the Shade Tree Proclamation then asked how much money was in the Tree Bank Fund.

Mr. Kronowski said that it was approximately \$500,000.

Suggested that the Borough use some of this money to buy land that would save trees.

- Mr. Melaneski, Scarlett Drive

- ❖ Other comments on Optimum and their poor service. He said that cable competition is needed to keep service, etc.

There were no further questions or comments. Mayor O'Brien called for a Motion. **Councilwoman Novak made a motion to close the Public Portion. Seconded by Council President Kilpatrick.**

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION** – None

- **ADJOURNMENT**

No further business. Councilwoman Novak moved to adjourn the Council Session. Motion was seconded by Councilman Lembo.

Roll Call – Voice Vote, all ayes. Carried.

Time 9:19 P.M.

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved