

Mayor Kennedy O'Brien opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag lead by Sayreville AA cheerleaders who were in attendance.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this May 11, 2015 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 Buchanan, Kilpatrick, McGill,
Melendez, Novak, Rittenhouse

Absent: None

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

Others Absent: Wayne A. Kronowski, C.F.O./Treasurer

Approval of prior Minutes – Council President McGill moved the following minutes be approved on Roll Call Vote, subject to correction if necessary:

☞ April 13, 2015 - Council and Agenda Sessions

Motion was seconded by Councilman Buchanan.

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

- **PROCLAMATION & PRESENTATION:**

- **Proclamation – Women's Lung Health Week.**

Borough of Sayreville

Proclamation

Whereas, May 11-15, 2015, the second full week in May, has been designated as Women's Lung Health Week; and

Whereas, every 5 minutes, a woman in the U.S. is told she has lung cancer; and

Whereas, lung cancer is the #1 cancer killer of women in the U.S.; and

Whereas, the lung cancer death rate in women has almost doubled over the past 37 years; and

Whereas, advocacy and increased awareness will result in more and better treatment for women with lung cancer and other lung diseases and will ultimately save lives; and

Whereas, LUNG FORCE is the national movement led by the American Lung Association, with the mission of making lung cancer history—uniting women to stand together with a collective strength and determination to lead the fight against lung cancer and for lung health.

NOW, THEREFORE, BE IT RESOLVED, that I Kennedy O'Brien, Mayor of the Borough of Sayreville, proclaim **May 11-15, 2015** as **"Women's Lung Health Week" in the Borough of Sayreville.**

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 11th day of May, 2015 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien, Mayor

Attest:

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

Councilwoman Novak moved the Mayor's proclamation be approved on Roll Call vote. Motion seconded by Councilman Buchanan.

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

Presentations:

The following Resolution was read into record and presented to **Ray and Andy Rupp** on the retirement from their business and town Icon known as Sayreville Hardware and Supply aka Ace Hardware.

BOROUGH OF SAYREVILLE

Resolution 2015-121

WHEREAS, the small business owners of our community work hard in the marketplace to provide quality goods and services, and this, in turn, evokes the confidence of the consumers who respond in a fashion which keeps the economy healthy and vital; and

WHEREAS, Sayreville Hardware and Supply Co, Inc., which was established in 1953 has been doing business as Rupp's Ace Hardware since 1980. It was a true Mom and Pop store run by John and Janette Rupp. Ray Rupp, son to John and Janette joined the family business in 1960; and

WHEREAS, in 1978, John and Janette retired, leaving Ray to run the family business. Rupp's joined Ace Hardware in 1980 and remained a member until 2015 when the store was sold; and

WHEREAS, during the interim of the business, Ray married Andy Asch in 1991, daughter of Jerry Asch who was the owner of Centre Hardware. Soon after Andy joined Ray to help run the business and carry on the tradition of a Mom and Pop store. The Rupp family attributes their 62 years of success to their dedicated customers.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Sayreville do hereby express its sincere thanks and appreciation to Ray and Andy Rupp for their contributions to the community and hereby recognize and commend them for their many years of dedicated service and goodwill to the Borough of Sayreville and wish them well on their retirement.

/s/ Kennedy O'Brien, Mayor

/s/ Councilman Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Victoria Kilpatrick

/s/ Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

Comments and best wishes made by Mayor O'Brien and the entire governing body, followed Ray Rupp.

Certificates of Recognition presented by Councilman Ricci Melendez on behalf of the governing body to the following **Sayreville Athletic Association Cheerleading Stars** for their achievement in placing at various competitions for the 2015 season:

- ❖ **Twinkles**
- ❖ **Sparkles**
- ❖ **Dazzles**

Mayor called for the next order of business.

- **OLD BUSINESS**

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

Ordinance #285-15

Mayor stated that he did call for the Borough Attorney to add a section to this amendment.

Mr. DuPont stated that there is simply going to be an addition that states that the Mayor and Council may review this Ordinance / Chapter 9, Entitled "Animal Control" every six months from the date of adoption for further revisions.

Councilwoman Novak asked if this was a substantial change and the Attorney responded that it was not. Mayor O'Brien indicated the reason for the change was that this individual would have policing powers and would like it reviewed every six months.

The Clerk Read the heading for Ordinance #285-15 and the Mayor opened the meeting to the public for questions or comments on **Ordinance #285-15**.

There were no appearances. Council President McGill moved the public hearing be closed and the ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Buchanan.

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

ORDINANCE # 285-15
AN ORDINANCE AMENDING CHAPTER IX,
"ANIMAL CONTROL",
OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE

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

9-1 DEFINITIONS.

As used in this Chapter:

Certified Animal Control Officer *or Animal Cruelty Investigator* means a person eighteen (18) years of age or older who has satisfactorily completed a course of study

approved by the Commissioner of Health on the control of animals as set forth in the New Jersey Statutes and Administrative Regulations adopted thereunder or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of Certified Animal Control Officers **or Animal Cruelty Investigator** pursuant to the provisions of the New Jersey Statutes for a period of three (3) years. In the absence of a Certified Animal Control Officer **or Animal Cruelty Investigator**, Animal Control Officer shall mean the chief law enforcement officer of the Borough or his designee.

9-6 VICIOUS AND DANGEROUS DOGS.

9-6.1 Complaint–Investigation-Report. It shall be the duty of the Police Department and the Certified Animal Control Officer **or Animal Cruelty Investigator** to receive and investigate complaints against dogs. If they deem any dog complained of to be a vicious dog, they shall report their finding in writing to the Municipal Judge.

9-6.3 Notice of Seizure-Determination-Destruction of Dog.

a. In addition to the provisions contained in Section 9-7.3, the Animal Control Officer **or Animal Cruelty Investigator** shall notify the Municipal Court within three (3) working days that he has seized and impounded a dog pursuant to Section 9-6.2, or that he has reasonable cause to believe that a dog has killed another domestic animal, and that a hearing is required. The Animal Control Officer **or Animal Cruelty Investigator** shall attempt to determine the identity of the owner of any dog seized and impounded. If the dog's owner cannot be identified within seven (7) days, that dog may be humanely destroyed.

9-6.7 Order and Schedule for Compliance of a Potentially Dangerous Dog. If the Municipal Court declares the dog to be potentially dangerous, it shall issue and order a schedule for compliance which, in part:
285-15

a. Shall require to owner to comply with the following conditions:

3. To immediately erect and maintain an enclosure for the potentially dangerous dog, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six (6) feet in height separated by at least three (3) feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of the potentially dangerous dog by an unknowing individual. The potentially dangerous dog shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the Animal Control Officer **or Animal Cruelty Investigator** and having minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three (3) feet from the owner and under the direct supervision of the owner.

9-6.8 Procedure for Appeal.

The owner of a vicious or potentially dangerous dog, or the Certified Animal Control Officer **or Animal Cruelty Investigator**, may appeal the final decision, order or judgment, including any conditions attached thereto, of a municipal court by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeal from courts of limited jurisdiction.

9-6.11 Duty of Owner of Potentially Dangerous Dog. The owner of a potentially dangerous dog shall:

- b. Notify the Clerk, the Police Department, and the Animal Control Officer *or Animal Cruelty Investigator* if a potentially dangerous dog is at large or has attacked a human being or killed a domestic animal;
- c. Notify the Clerk, the Police Department and the Animal Control Officer *or Animal Cruelty Investigator* within twenty-four (24) hours of the death, sale or donation of a potentially dangerous dog.
- e. Upon the sale or donation of the dog to a person residing in a different municipality, notify the State Department of Health and the licensing authority, the Police Department and Animal Control

Officer *or Animal Cruelty Investigator* of that municipality of the transfer of ownership and the name, address and telephone of the new owner.

9-6.12 Violations, Penalties and Enforcement. The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this article or any rule or regulation adopted pursuant thereto or to have failed to comply with a court's order shall be subject to a fine of not more than one thousand (\$1,000.00) dollars per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation. The Municipal Court shall have jurisdiction to enforce this section. The Animal Control Officer *or Animal Cruelty Investigator* is authorized to seize and impound any potentially dangerous dog whose owner fails to comply with the provisions of this article or any rule or regulation adopted pursuant hereto or a court's order. The Municipal Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.

9-6.13 Registration and License. Report of Violations

a. The Animal Control Officer *or Animal Cruelty Investigator* shall issue a potentially dangerous dog registration number and red identification tag along with a potentially dangerous dog license, upon a demonstration of sufficient evidence by the owner to the Animal Control Officer *or Animal Cruelty Investigator* that he has complied with the Court's orders. The last three (3) digits of each potentially dangerous dog registration number shall be the three (3) number code assigned to the Borough as set forth in the New Jersey Administrative Code. The Animal Control Officer *or Animal Cruelty Investigator* shall verify the foregoing, in writing, to the Clerk.

9-6.15 Inspection. The Animal Control Officer *or Animal Cruelty Investigator* shall inspect the enclosure and the owner's property at least monthly to determine continuing compliance with subsection a and b of Section 9-6.7.

9-7.1 Causes for Impounding. The Certified Animal Control Officer *or Animal Cruelty Investigator* shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:

b. Any dog off the premises of the owner or the person keeping or harboring such dog, which the Certified Animal Control Officer *or Animal Cruelty Investigator* or his agent has reason to believe it is a stray dog.

g. Any dog or other animal off the premises of the owner reported to, or observed by, a Certified Animal Control Officer *or Animal Cruelty Investigator* to be ill, injured or creating a threat to public health, safety or welfare, or otherwise

9-7.3 Notice of Seizure. If any dog so impounded or seized wears a registration tag, collar or harness bearing the name and address of any person, or of the owner, or of the person keeping or harboring the dog, the Certified Animal Control Officer *or*

Animal Cruelty Investigator shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, a notice in writing stating that the dog has been seized and will be disposed of or destroyed if not claimed within seven (7) days after the service of the notice.

9-7.4 Disposition of Unclaimed Dogs. The Certified Animal Control Officer ***or Animal Cruelty Investigator*** is authorized and empowered to cause the destruction of any unclaimed dog, in as humane a manner as possible, under any of the following conditions:

9-9 ENFORCEMENT.

a. The Council shall appoint a Certified Animal Control Officer ***or Animal Cruelty Investigator*** whose duty it shall be to enforce the provisions of this Chapter. The Council may appoint one (1) or more persons to be known as dog catchers and may impound unlicensed dogs running at large in violation of the provisions of this Chapter.

b. For the purposes of subsection 9-8.8, entitled, "Removal of Dog Feces", the President of the Board of Health shall be designated as the enforcing officer. The President of the Board of Health shall be authorized by the Mayor and the Borough Council to designate as many sub-code officials as he deems reasonable and necessary to carry out the purposes of subsection 9—8.8. The enforcing officer or his designee is authorized to perform as a law enforcement officer solely with respect to the enforcement of the provisions of subsection 9-9.8 by being empowered to issue summons for any violations of this subsection in accordance with the rules of governing the courts of the State of New Jersey. In addition to the President of the Board of Health, and/or his designee, all law enforcement officers, and the Certified Animal Control Officer shall be empowered to enforce the provisions of this subsection.

9-10 REPORT BY CERTIFIED ANIMAL CONTROL OFFICER ***OR ANIMAL CRUELTY INVESTIGATOR*** AND CHIEF OF POLICE.

The Certified Animal Control Officer ***or Animal Cruelty Investigator*** shall submit a weekly report to the Chief of Police containing a description of each animal seized, the reason for seizure and the disposition make of the animal.

9-11.3 Licensing Requirements.

j. Proof of Licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any health official, police officer, Animal Control Officer ***or Animal Cruelty Investigator***, or other authorized person.

BE IT FURTHER ORDAINED that the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, may review Chapter 9, Entitled "Animal Control" six months from the date of adoption of this Ordinance for further revisions.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 9, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect such change as appears in paragraphs listed in this ordinance, all others remain.

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/ David McGill, Councilman
(Public Safety Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

The Clerk Read the heading for Ordinance #286-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #286-15**.

There were no appearances

Councilman Buchanan 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 Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #286-15

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF A TRAFFIC SIGNAL
AT THE INTERSECTION OF MAIN STREET (C.R. 670) AND
SAYREVILLE BOULEVARD IN THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, the Borough approvals granted to the Developer of Towne Lake West Major Subdivision construct a traffic signal at the intersection of Main Street (C.R. 670) and Sayreville Boulevard; and

WHEREAS, the County of Middlesex authorized the installation of the traffic signal by way of correspondence to Richard E. Wallner, P.E., Middlesex County Engineer, dated February 20, 2015 and such correspondence being incorporated herein by reference; and

WHEREAS, the Borough desires to accept the traffic signal which has been installed according to the design contained in a plan more specifically identified as the Traffic Signal Plan KT701-0101 dated May 31, 2013, revised September 30, 2014 and timing directive dated June 7, 2013; and

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

SECTION 1.

That the intersection of Main Street (C.R. 670) and Sayreville Boulevard shall be controlled by a Traffic Control Signal in accordance with the plan bearing the date of May 31, 2013, last revised on September 30, 2014.

SECTION 2.

That the Traffic Control Signal installed shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code; shall conform to the design and shall be maintained in operation, as authorized by the NJ Department of Transportation and that the Borough of Sayreville formally accepts same.

SECTION 3. That all prior ordinances and/or resolutions or portions thereof of the Borough of Sayreville Council inconsistent herewith be and they are hereby repealed.

SECTION 4. That this ordinance shall become effective upon adoption and publication as required by law and upon the approval of the Commissioner of the Department of Transportation.

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/ David McGill, Councilman
(Public Safety)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

• **NEW BUSINESS:**

a. Municipal Clerk Farbaniec reported on having received the Supplemental Debt Statement from Wayne A. Kronowski, CFO as of May 11, 2015.

Councilwoman Novak moved the supplemental Debt Statement be received and filed. Motion was seconded by Councilman Buchanan.

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

• **b. NEW BUSINESS:**

Municipal Clerk Farbaniec read the following Ordinances into record for Introduction:

ORDINANCE #287-15

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION
(Co. Novak, Admin. & Finance – Public Hearing May 26, 2015)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on May 26, 2015. Motion seconded by Councilman McGill.

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

ORDINANCE #288-15

AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 235-13 FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR THE YEARS 2013, 2014, 2015 AND 2016

Ordinance reflects changes in accordance with the DOP Title Consolidation (Co. Novak, Admin. & Finance – Public Hearing May 26, 2015)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on May 26, 2015. Motion seconded by Councilman McGill.

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

ORDINANCE No. 289-15

**AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
SAYREVILLE TO ADD ON-STREET HANDICAPPED PARKING SPACES**

-29 Hart Street – 12-15-14 Council referred request to Traffic and approved by Sgt. Bartlinski-
(Co. McGill, Public Safety Committee-Public Hearing May 26, 2015)

Councilman McGill moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on May 26, 2015. Motion seconded by Councilman Buchanan.

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

CONSENT AGENDA/RESOLUTIONS

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

There were no appearance.

Council President Dave McGill made a motion to close the public portion and approve the Consent Agenda Resolutions on Roll Call Vote. Motion was seconded by Councilwoman Novak.

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

CONSENT AGENDA/RESOLUTIONS

RESOLUTION #2015 - 103

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING
PURCHASE OF SECURITY CAMERAS FROM WSCA-NASPO
COOPERATIVE PURCHASING ORGANIZATION, LLC**

WHEREAS, the Governing Body of the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough") has been informed of the benefits of membership in WSCA-NASPO Cooperative Purchasing Organization LLC; and

WHEREAS, the Governing Body of the Borough of Sayreville has applied for membership in the WSCA-NASPO and the Governing Body by way of Resolution #2015-102 – authorized such membership; and

WHEREAS, the Police Department of the Borough of Sayreville wishes to purchase security cameras and equipment along with the installation and maintenance services for said security cameras through the WSCA-NASPO Cooperative Purchase Organization, LLC; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville approve the Borough of Sayreville

Police Department purchase of security equipment, installation and maintenance through the WSCA-NASPO Cooperative Purchasing Organization, LLC.

/s/ Ricci Melendez, Councilman
Sponsor

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-111

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

/s/ Daniel Buchanan
Councilman Daniel Buchanan

/s/ Ricci Melendez
Councilman Ricci Melendez

/s/ Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

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

/s/ David McGill
Councilman David McGill

/s/ Arthur Rittenhouse
Councilman Arthur Rittenhouse

Bill list of May 11, 2015 in the amount of \$12,778,509.28 in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date).

RESOLUTION #2015-112
SUPPORTING THE TRANSPARENT TAX ACT OF 2015

WHEREAS, Assembly Bill No. A-4325 supplementing chapter 4 of Title 54, R.S. 54: 4-65, and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and,

WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and,

WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and,

WHEREAS, A-4325 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets;

WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and,

WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville, County of Middlesex, and State of New Jersey, hereby supports Assembly Bill A-4235 amending Title 54; 4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and,

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of the NJ State Assembly, the members for the NJ Senate, and the Governor of the State of NJ, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey, and all Middlesex County Municipalities.

/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 #2015-113

WHEREAS, on June 13, 2013 Road Opening Permit #5249 was issued to open 13 Holly Drive, Parlin, NJ; and

WHEREAS, the Road Department has advised that the road has been restored to original condition and has recommended that a refund of a portion of said permit fee be made;

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to refund the sum of \$288.00 for the afore-mentioned Road Opening Permit to B & W Construction Co. of NJ, Inc., upon the submission of a properly approved borough voucher.

BE IT FURTHER RESOLVED that the Maintenance Bond requirement is hereby waived due to the fact that the fees have been held for one year in lieu of posting the required Maintenance Bond.

/s/ Victoria Kilpatrick
Victoria Kilpatrick, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-114

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
RESOLUTION ACCEPTING AND ADOPTING THE CENTRAL JERSEY MUNICIPAL JOINT
INSURANCE FUND'S 2015 SAFETY MANAGEMENT PROGRAM**

WHEREAS, the Borough of Sayreville is a member of the Central Jersey Municipal Joint Insurance Fund (Central JIF); and

WHEREAS, it is the policy of the CENTRAL JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the CENTRAL JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from any recognized hazards; and

WHEREAS, the CENTRAL JIF endeavors to ensure that all of their members are in compliance with the applicable safety and health requirement, and

WHEREAS, the CENTRAL JIF's Safety Committee is made up of volunteers representing many of the Fund's Municipalities, along with the professionals employed by the Fund; and

WHEREAS, the new Program will assist all the Central JIF members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

WHEREAS, the CENTRAL JIF has adopted a new 2015 SAFETY MANAGEMENT PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey that the Central Jersey Municipal Joint Insurance Fund SAFETY MANAGEMENT PROGRAM be adopted by the Borough of Sayreville.

/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 #2015-115

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
RESOLUTION GRANTING PERMISSION TO AT&T CORP. TO INSTALL
COMMUNICATIONS FACILITIES ALONG, UNDER AND OVER THE PUBLIC RIGHT-OF
WAY IN ORDER TO PROVIDE COMMUNICATIONS SERVICES TO THE PUBLIC**

WHEREAS, AT&T Corp., both itself and through its operating subsidiary Teleport Communications America, LLC (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities and the Federal Communications Commission; and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Sayreville public right-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AT&T obtain approval of the Sayreville Borough Council as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE SAYREVILLE BOROUGH COUNCIL THAT:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Sayreville in order to provide communications services to the public, and to operate, maintain, and repair said facilities, subject to the following:
 - A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.
 - B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
 - C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
 - D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless Sayreville Borough, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.
 - E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
 - F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.

- G. Such permission be and is hereby given upon the condition that AT&T or its designated contractor shall obtain all applicable permits which may be required by the Borough, including without limitation road opening permits from the Public Works Department and coordinating traffic control with the Borough Police Department, and shall pay all applicable permit fees in connection therewith.
- H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.
- I. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- J. This instrument shall be adopted on behalf of the Borough by the Sayreville Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.
- L. This Resolution will apply initially solely to the installation proposed by AT&T in the vicinity of Route 9 in the portion of the Borough near the Township of Old Bridge. This Resolution will also apply to any additional installations to be approved by the Borough Business Administrator and Borough Engineer, after review of further plans to be submitted by AT&T from time to time.

STATEMENT

This resolution authorizes AT&T to install communications lines within conduit or on existing poles in the public right-of-way in order to provide communications services to the public.

/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 #2015-116

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
RESOLUTION AUTHORIZING CONTINUED PARTICIPATION IN THE UNITED**

**STATES DEPARTMENT OF DEFENSE 1033 PROGRAM FOR EXCESS FEDERAL
PROPERTY SUITABLE FOR MUNICIPAL LAW ENFORCEMENT AND
EMERGENCY MANAGEMENT FUNCTIONS**

WHEREAS, pursuant to 10 U.S.C.256a, the federal government has authorized the United States Department of Defense to make available to state, county and municipal law enforcement agencies at little or no cost, excess personal property that could be used for law enforcement and emergency management functions, which program is commonly known as the federal "1033 Program"; and

WHEREAS, the Borough of Sayreville and its Police Department have participated in and continue to participate in the 1033 Program; and

WHEREAS, the New Jersey Legislature has recently amended Chapter 5 of Title 40A to require local Governing Body approval by resolution for participation in the federal 1033 Program; and

WHEREAS, the Mayor and Council of the Borough of Sayreville believes that participation in the federal 1033 Program has been beneficial to the residents of the Borough and that continued participation is in the best interest of the Borough.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE
BOROUGH OF SAYREVILLE:**

1. That continued participation in the federal 1033 Program by the Borough of Sayreville and its Police Department is hereby approved.

2. That the appropriate Administration and Police Department Officials are hereby authorized to execute and submit such applications and supporting documentation as may be needed to enroll and participate in the federal 1033 Program.

/s/ David McGill
David McGill, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-117

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: Dusty Kemple
POSITION: Maintenance Repairer
DEPARTMENT: Dept. of Public Works
EFFECTIVE: April 28, 2015

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

/s/ David McGill, Councilman
(Public Safety Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2015-118

WHEREAS, on April 21, 2015 the Mayor and Council of the Borough of Sayreville received bids for "2015 Roof Replacement Project"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 15th day of May, 2015, that:

1. Contract for the "2015 Roof Replacement Project" be awarded to Arch Concept Construction, Inc., 351 West Clinton Street, Haeldon, NJ on their bid price of \$865,900.00 as appears on copy of bid document attached hereto and made a part hereof.

/s/ Victoria Kilpatrick
Victoria Kilpatrick, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-119

WHEREAS, SRCL 361 Main Street, LLC, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2014 and 2015 affecting Block 169.25, Lot 4 commonly known as 361 Main Street; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for SRCL 361 Main Street, LLC, duly recommend the following:

- Appeal of 2014 be reduced to \$185,000
- Appeal of 2015 be reduced to \$156,000

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville as follows:

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

/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 #2015-120
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF AN ADDENDUM TO AN AGREEMENT BETWEEN
THE BOROUGH OF SAYREVILLE AND THE
ASSOCIATED HUMANE SOCIETIES, INC.

WHEREAS, the Governing Body of the Borough of Sayreville has determined that it is in need of a provider of services for animal protection which will be available on a daily basis; and

WHEREAS, the Governing Body of the Borough of Sayreville passed Resolution #2015-42 authorizing the Execution of an Agreement between the Borough of Sayreville and the Associated Humane Societies, Inc.; and

WHEREAS, the Borough of Sayreville and the Associated Humane Societies, Inc. have prepared an Addendum to the Agreement executed on the 1st day of March, 2015; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the proper Borough Officials and the Borough Administrator are authorized and directed to execute the Addendum to the Agreement between the Borough of Sayreville and the Associated Humane Societies, Inc. which Agreement will run from the 1st day of March, 2015 through the 28th day of December, 2016.

/s/ David McGill, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Resolution #2015-121

(Read into record and presented at the beginning of the meeting.)

- **EXECUTIVE SESSION - None**
- **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public or any and all issues. There were no appearances.

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

Roll Call: Voice Vote, all Ayes. Carried.

- **ADJOURNMENT**

Mayor called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 7:32 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved