

Combined Meeting of the Mayor and Borough Council held on Monday, May 12, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:00 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

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

- **ROLL CALL:**

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

Absent: None

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

Others Absent: None

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

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

- ☒ January 1, 2014 - Agenda Meeting
- ☒ January 27, 2014 - Executive Session
- ☒ March 10, 2014 - Combined Meeting & Executive Session
- ☒ March 24, 2014 - Combined Meeting
- ☒ April 22, 2014 - Bids – (Playground Equipment Installation,  
Two 2014 Harley Davidson Law Enforcement  
Motorcycles, War Memorial Park Walking Path  
Replacement, Improvements to Ernston Road)
- ☒ May 6, 2014 - Bids – (Electrical Work & Repairs)

Motion was seconded by Councilman McGill.

## 2. PROCLAMATION & PRESENTATION:

Councilwoman Eicher read the following Proclamation into record:

**JOINT PROCLAMATION  
OF THE GOVERNING BODY OF THE BOROUGH OF SAYREVILLE  
AND THE BOROUGH OF SOUTH RIVER  
ESTABLISHING TO RELAY FOR LIFE SATURDAY**

**WHEREAS**, the American Cancer Society's Relay for Life was conceived for the purpose of allowing communities across the globe to honor cancer survivors, remember loved ones lost, and fight back against cancer while raising money for cancer research; and

**WHEREAS**, Relay for Life is a life-changing event offering comfort, strength and the unique opportunity for not only cancer survivors, but cancer caregivers to be recognized and supported; and

**WHEREAS**, the American Cancer Society Relay for Life represents the hope that those lost of cancer will never be forgotten, that those who face cancer will be supported and that one day cancer will be eliminated; and

**WHEREAS**, each person who shares the Relay experience can take pride in knowing that they are working for one world, one dream, a world without cancer.

**WHEREAS**, on May 17, 2014 the Borough of South River will host a Relay for Life at Denny Stadium; and

**WHEREAS**, the Governing Body of the Borough of Sayreville and the Governing Body of the Borough of South River wish to designate a day each year to be called "Relay for Life Saturday"; and

**NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville; along with Mayor John Krenzel, Mayor of the Borough of South River, do hereby proclaim that each year, the 3<sup>rd</sup> Saturday of May, is Relay for Life Saturday, in the Boroughs of Sayreville and South River.**

**IN WITNESS WHEREOF**, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 12<sup>th</sup> day of May, 2014 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien, Mayor

**ATTEST:**

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

Council President Novak moved the Mayor's Proclamation be approved on Roll Call Vote. Motion seconded by Councilman McGill.

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

Comments made by Councilwoman Eicher regarding the Relay for Life Program and Run.

**OLD BUSINESS**

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

At this time Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #257-14**.

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 Councilwoman Novak.

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

**ORDINANCE #257-14**

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

(Co. Buchanan, Admin. & Finance)

**WHEREAS**, on April 7, 2014 a Memorandum of Understanding was executed between the Borough of Sayreville and Sayreville Association of Municipal Supervisors for certain Borough Officials, Officers and Employees for the years 2013, 2014, 2015 and 2016 as commensurate in the S.A.M.S. Bargaining Agreement.

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

**SECTION 1. Adoption of Salary Guide.**

The following annual salaries are hereby established for the following Borough Officials, officers and employees as per Schedules annexed hereto and made a part hereof.

**Borough of Sayreville – SAMS Salary & Wage Schedule**

APPENDIX I

**SECTION 2. Severability Clause.**

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

**SECTION 3. Repealer.**

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

**SECTION 4. Effective Date.**

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

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

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC  
 Municipal Clerk

/s/ Kennedy O'Brien  
 Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
 Borough Attorney

Ord. 257-14 - APPENDIX I	1/1/13		1/1/14		1/1/15		1/1/16	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
		1.50%		2.00%		2.00%		2.00%
<b>Salary Employees</b>								
Animal Control Officer	29,369	34,154	29,956	34,837	30,555	35,534	31,166	36,245
Assistant Assessor	40,650	63,115	41,463	64,377	42,292	65,665	43,138	66,978
Chief Accountant	74,765	96,699	76,260	98,633	77,785	100,606	79,341	102,618
Chief Water Treatment Plant Operator	80,804	94,036	82,420	95,917	84,068	97,835	85,749	99,792
Deputy Municipal Court Administrator	49,311	57,377	50,297	58,525	51,303	59,696	52,329	60,890
Registrar of Vital Statistics	7,704	8,932	7,858	9,111	8,015	9,293	8,175	9,479
General Supervisor - Public Works	70,616	82,180	72,028	83,824	73,469	85,500	74,938	87,210
Recreation & Parks Supervisor P/T	22,088	34,836	22,530	35,533	22,981	36,244	23,441	36,969

Recycling Coordinator	22,280	32,917	22,726	33,575	23,181	34,247	23,645	34,932
Supervisor of Billing & Collecting	64,735	73,311	66,030	74,777	67,351	76,273	68,698	77,798
Supervisor Sewers / Supervisor Water	65,624	76,379	66,936	77,907	68,275	79,465	69,641	81,054
Management Information Systems Specialist	77,745	95,075	79,300	96,977	80,886	98,917	82,504	100,895
Information Technology Coordinator - Stipend	0	5,857	0	5,974	0	6,093	0	6,215
<b>Hourly Employees</b>								
Assistant Construction Official (35)	67,820	76,819	69,176	78,355	70,560	79,922	71,971	81,520
Assistant Mechanical Super. Water Treatment (40)	63,383	73,611	64,651	75,083	65,944	76,585	67,263	78,117
Assistant Recreation Supervisor P/T (35)	31,588	36,687	32,220	37,421	32,864	38,169	33,521	38,932
Assistant Supervisor-Public Works (40)	59,182	68,661	60,366	70,034	61,573	71,435	62,804	72,864
Assistant Supervisor - Water & Sewer (40)	63,383	73,611	64,651	75,083	65,944	76,585	67,263	78,117
Carpenter/Maintenance Repairer (40)	65,760	76,374	67,075	77,901	68,417	79,459	69,785	81,048
Construction Official (35)	77,313	85,482	78,859	87,192	80,436	88,936	82,045	90,715
Fire Official (35)	66,164	73,073	67,487	74,534	68,837	76,025	70,214	77,546
Supervisor-Public works (40)	65,760	76,374	67,075	77,901	68,417	79,459	69,785	81,048

Notice of Public Hearing on Ordinance #258-14 Being Carried from tonight, May 12, 2014 until May 27, 2014.

**ORDINANCE #258-14**

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

(Co. Buchanan, Admin. & Finance)

Councilman Buchanan moved that the Public Hearing on Ordinance #258-14 be carried until the May 27, 2014 meeting. Motion seconded by Councilwoman Novak. All

**4. NEW BUSINESS:**

a) Introduction of the following Ordinance(s):

**ORDINANCE #259-14**

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

-Supervisor of Senior Citizen Activities title was excluded from Salary Guide-

Councilman Buchanan moved the Ordinance be approved on first reading, advertised according to law and a public hearing be scheduled for May 27, 2014. Motion was seconded by Councilman McGill.

**b) Other**

**CONSENT AGENDA/RESOLUTIONS**

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

There were no appearances.

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

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

**BUDGET RESOLUTION 2014-128**

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

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

**RECORDED VOTE**

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Buchanan	None	None	None
Eicher			
McGill			
Melendez			
Novak			
Rittenhouse			

**SUMMARY OF REVENUES**

<b>GENERAL REVENUES</b>	
Surplus Anticipated	\$ 3,000,000.00
Miscellaneous Revenues Anticipated	\$ 21,256,573.93
Receipts from Delinquent Taxes	\$ 1,000,000.00
<b>AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES</b>	<b>\$ 27,541,317.68</b>
<b>AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY</b>	<b>\$ 1,454,832.68</b>
<b>TOTAL REVENUES</b>	<b>\$ 54,252,724.29</b>

**SUMMARY OF APPROPRIATIONS**

<b>GENERAL APPROPRIATIONS</b>	
<b>WITHIN "CAPS"</b>	
(a&b) Operations Including Contingent	\$ 36,550,561.00
(e) Deferred Charges and Statutory Expenditures – Municipal	\$ 4,051,992.36
<b>EXCLUDED FROM "CAPS"</b>	
(a) Operations – Total Operations Excluded From "CAPS"	\$ 5,372,498.93
(c) Capital Improvements	\$ 450,000.00
(d) Municipal Debt Service	\$ 4,692,383.00
(e) Deferred Charges – Municipal	\$ 1,000,000.00

(m) Reserve for Uncollected Taxes \$ 2,135,289.00

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

TOTAL APPROPRIATIONS \$ 54,252,724.29

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

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

ATTEST:

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-130**

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien, Mayor

/s/ Councilman Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Lisa Eicher

/s/ Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

**Bill list of May 12, 2014, in the amount of \$12,778,282.02  
(Bill List – See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

**RESOLUTION #2014-131**

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

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
3D Group 96 Main Street Matawan, NJ 07747	One (1) Construction Office Trailer	963 Rt. 9 No. Blk. 440, Lots 4 & 4.01

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

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

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

**ATTEST:** /s/ David McGill, Councilman  
(Planning & Zoning Committee)  
**BOROUGH OF SAYREVILLE**

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

**RESOLUTION # 2014-132**  
**A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF A  
SPECIAL EVENT PERMIT TO RJC CHARITIES, INC.  
TO CONDUCT A CAR SHOW**

**WHEREAS**, RJC Charities, Inc. has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a Car Show at Sayreville War Memorial High School on June 22, 2014 from 9am-3pm with a rain date of July 27, 2014; and

**WHEREAS**, it is the belief of the governing body that these events provides activities which are family and community oriented;

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

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that RJC Charities, Inc is hereby granted permission to hold this Special Event and that a permit be issued for a car show to be conducted on June 22, 2014 from 9am-3pm at 820 Washington Road, Sayreville upon proof that they have obtained permission from the Sayreville Board of Education for such an event.

**ATTEST:** /s/ Lisa Eicher, Councilwoman  
(Recreation Committee)  
**BOROUGH OF SAYREVILLE**

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

**RESOLUTION #2014-133**  
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF  
MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION  
OF A DISCHARGE OF MORTGAGE SUBORDINATION AGREEMENT  
FOR PROPERTY LOCATED AT 9 BIRCH TERRACE, BLOCK 32.05, LOT 48**

**WHEREAS**, a certain Mortgage dated October 11, 2000 was made by Richard T. and Joan Holmes, residing at 9 Birch Terrance, Parlin, NJ 08859, identified as Block 32.05 Lot 48 on the official assessment maps of the Borough of Sayreville in the County of Middlesex and State of New Jersey to the Borough of Sayreville; and

**WHEREAS**, this Mortgage, never modified, was made to secure payment in the amount of Ten Thousand (\$10,000.00) without interest. The mortgage was recorded or registered in the office of the County Recording Officer of Middlesex County, State of New Jersey, on December 11, 2000, in Mortgage Book 06455 on Page 0110; and

**WHEREAS**, the Mortgage has been paid in full or otherwise Satisfied and Discharged and the Borough of Sayreville wishes to discharge the mortgage record and have it cancelled and void; and

**BE IT AND IT IS HEREBY RESOLVED** Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough of Clerk of the Borough of Sayreville are authorized to execute a Discharge of Mortgage for the property located at 9 Birch Terrace, Block 32.05, Lot 48 and to have same recorded by the Middlesex County Clerk.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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

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

**RESOLUTION #2014-134**

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

**NAME OF APPOINTEE:** Linda Costa  
**POSITION:** Clerk I/Full Time  
**DEPARTMENT:** Recreation Department  
**EFFECTIVE:** May 13, 2014

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

/s/ Lisa Eicher  
Lisa Eicher, Councilwoman  
(Recreation Committee)

**ATTEST:**

**APPROVED:**

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

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

**RESOLUTION #2014-135**

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

**NAME OF APPOINTEE:** Keith Szelewicki  
**POSITION:** Mechanic  
**DEPARTMENT:** Department of Public Works  
**EFFECTIVE:** May 13, 2014

**BE IT FURTHER RESOLVED** that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder

fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Civil Service Commission.

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

**ATTEST:**

**APPROVED:**

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

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

**RESOLUTION #2014-136**

**RESOLUTION AUTHORIZING BOROUGH TO AMEND  
WATER SUPPLY AGREEMENT WITH AES RED OAK, LLC(Successor)**

**WHEREAS**, the Borough of Sayreville had entered into a “Water Supply Agreement” with AES Red Oak, LLC in November 1999; and

**WHEREAS**, the water service from the Borough’s South River surface supply was interrupted by Hurricane Sandy when flood waters rendered the South River Raw Water Pump Station inoperable and required major repairs; and

**WHEREAS**, the aforementioned Water Supply Agreement allows AES to undertake repairs to correct service interruptions; and

**WHEREAS**, the type of interruption that occurred with Hurricane Sandy was not contemplated by the Agreement; and

**WHEREAS**, the Borough of Sayreville has not yet received relief funds to reconstruct the Pump Station; and

**WHEREAS**, AES (now known as Red Oak Power, LLC) is incurring significantly higher charges utilizing the alternate supply and has been requesting the Borough to reconstruct the Station and has presented a request that the Borough allow them to make improvements that will restore service to that Station with the costs to be credited against their water purchases; and

**WHEREAS**, it is in the best interest of the Borough to allow this proposal since same will expedite the restoration of service caused by Hurricane Sandy without requiring the Borough to finance same.

**NOW, THEREFORE, BE IT ORDAINED** that the Mayor and Clerk are hereby authorized to enter into an Amended Agreement with Red Oak Power, LLC as attached herein.

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

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**RESOLUTION #2014-137**

**DEDICATION BY RIDER**

A Resolution Requesting permission for the Dedication  
By Rider for Narcotics Property Seized and Forfeited  
Required by N.J.S. 2C:64-6

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and,

**WHEREAS**, N.J.S. 2C:64-6 provides for receipt of Narcotics Property Seized and Forfeited by the municipality to provide for the operating costs to administer this act; and,

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Narcotics Property Seized and Forfeited Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Sayreville, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Narcotics Property Seized and Forfeited Pursuant to N.J.S. 2C:64-6.
2. The Municipal Clerk of the Borough of Sayreville, County of Middlesex is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

**ATTEST:** BOROUGH OF SAYREVILLE

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

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

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**RESOLUTION #2014-138**

**BE IT RESOLVED**, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Modifications to the former Bordentown Avenue Water Treatment Plant and that he be paid for said services at a fee not to exceed \$92,500.00

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

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

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

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

**RESOLUTION #2014-139**

**AUTHORIZING A GOVERNMENTAL ENERGY AGGREGATION PROGRAM AND APPOINTING COMMERCIAL UTILITY CONSULTANTS, INC. AS ENERGY AGENT TO ASSIST THE BOROUGH IN THE IMPLEMENTATION OF THE BOROUGH'S ENERGY AGGREGATION PROGRAM AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH**

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

**WHEREAS**, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

**WHEREAS**, under a GEA Program the residential and non-residential electricity and gas ratepayers may have the opportunity to receive a direct reduction in their electric bills and gas bills through the bulk purchase of energy from a third-party energy supplier; and

**WHEREAS**, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, NEW JERSEY ("BOROUGH") and

**WHEREAS**, pursuant to an Ordinance #256-14 adopted by the BOROUGH OF SAYREVILLE on April 28, 2014 ("Prior Ordinance"), the BOROUGH OF SAYREVILLE publicly declared its intent to commence a GEA Program within the BOROUGH OF SAYREVILLE and to become an aggregator of electric power and natural gas on behalf of its residential and non-residential electricity and gas ratepayers pursuant to the Act and the Rules; and

**WHEREAS**, pursuant to the "Local Unit Electronic Technology Pilot Program and Study Act" (P.L. 2001, c.30) ("E-Procurement Act"), administered by the New Jersey Department of Community Affairs ("DCA"), the State of New Jersey has established a pilot program for the electronic purchase of certain commodities and services; and

**WHEREAS**, the E-Procurement Act allows municipalities in the State of New Jersey to purchase commodities and services, including energy supply, through online bidding and reverse auction programs approved by the DCA without the requirement of the traditional public advertisement and bidding requirements contained in the New Jersey Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*); and

**WHEREAS**, pursuant to the Prior Ordinance, the BOROUGH OF SAYREVILLE appointed Commercial Utility Consultants, Inc. ("CUC") to assist the BOROUGH OF SAYREVILLE with the selection of a third-party energy supplier in connection with its energy aggregation program through the use of CUC's Reverse Energy Auction Platform pursuant to the E-Procurement Act; and

**WHEREAS**, the BOROUGH OF SAYREVILLE believes that it will benefit from the assistance of CUC, which has been approved by the New Jersey Board of Public Utilities ("BPU") to serve as an Energy Agent as defined in the Rules, with the GEA Program; and

**WHEREAS**, CUC has agreed to serve as the Energy Agent for the BOROUGH OF SAYREVILLE'S GEA Program at no cost to the BOROUGH OF SAYREVILLE ;and

**WHEREAS**, the BOROUGH OF SAYREVILLE hereby finds that it is in the best interests of residential and non-residential electricity and gas ratepayers of the BOROUGH OF SAYREVILLE to appoint CUC to serve as Energy Agent in connection with the GEA Program pursuant to the E-Procurement Act.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Sayreville, New Jersey, duly assembled in public session, as follows:

1. The BOROUGH OF SAYREVILLE hereby appoints CUC to serve as Energy Agent to assist the BOROUGH OF SAYREVILLE with the administration of its energy aggregation program, all at no cost to the BOROUGH OF SAYREVILLE.
2. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of the Borough, any documents necessary to carry out the purpose of this Resolution.
3. All resolutions, or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.
4. This resolution shall take effect immediately upon adoption.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

- **RESOLUTIONS TO BE READ IN FULL & VOTED ON: - none**

**Business Session Agenda – MAY 12, 2014**  
**COMMUNICATIONS & COMMITTEE REPORTS**

• **ADMINISTRATIVE & FINANCE – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

Councilman Buchanan moved the following Minutes and or Reports be Received & Filed:  
- Board of Education Minutes of April 22, 2014

- Motion seconded by Councilwoman Novak.

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

- 1) **Amending** prize information on an Off-Premise Draw application#RL-1862A received from St. Stanislaus Kostka RC Church.
- 2) **Sayreville Engine Co.** to conduct an Off-Premise Draw Raffle on August 1, 2014 at 250 MacArthur Ave.- RA:1873.
- 3) **Animal Rescue Force** to conduct an Off-Premise50/50 on October 25, 2014 at 1400 Main Street – RA:1874.
- 4) Sayreville **Senior Citizens Tuesday Club** to conduct on Premise 50/50 on Jan. 15, Feb. 11, March 11 & April 8, 201, RA:1875 (housekeeping matter for Seniors).

(1-4) Councilman Buchanan moved to approve all applications. No objections.

c) Committee Reports –

- 1) Progress.

• **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

Move the following Minutes/Reports be Received & Filed: **(None)**

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

- 1) Twp. of Woodbridge Planning Board Notice of Public Hearing regarding Amendments to the Housing Plan Element and Fair Share Plan & Land Use Element being held on May 7, 2014 Woodbridge Council Chambers.

- 2) Application received from Gerdau Ameristeel Sayreville, Inc. for an application before the Sayreville Planning Board on May 21, 2014 for a Preliminary & Final Major Site Plan, Bulk Variance, various waivers and other relief required for the proposed installation of two Water Treatment Systems located at One No. Crossman Road.

**-(1, 2) Receive & File**

c) **Application** received from Frontier Building Corp. to locate One (1) **Construction Office Trailer** at on Block 440, Lot 5, 957 Route 9 North.

- **Resolution**

d) Request received from Thomas D. Pavlik, Jr. of 15 Sherbone Place to **purchase borough property** known as Block 337, Lot 9, Warwick Rd & Yorkshire Place

(previous Weber Ave resident).

**-Refer to Open Space.**

e) Committee Report:

1) Progress.

- **PUBLIC SAFETY – Councilman Rittenhouse**

a) Councilman Rittenhouse moved the following Minutes/Reports be Received & Filed:  
- Board of Health Minutes of April 8, 2014

- **Motion seconded by Councilwoman Novak.**

b) Request for permission to conduct a **coin toss** at the corner of Washington & Ernston Roads from 10am-2pm received from:

- Sayreville War Memorial High School Choral Parents Association on Sept. 27, 2014 (County Approvals Received).

- **Approved** (County Approvals Received)

c) **Firemen's Application** received from Christopher Kaiser as a **Regular Member** of the **President Park Fire Co.** was accepted on April 7, 2014 and is being forwarded to Gov. Body for approval.

- **Approved.**

d) Committee Reports-

1) Reported on the State History Fair.

2) Request for authorization to call for a Certified List of Police Officers from the DOP for review. No objections made by the governing body.  
- Process explained by the Police Chief.

- **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports:

Move the following Minutes/Reports be Received & Filed: **(None)**

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

1) **Truman Elementary PTO** to conduct a Family Movie Night on May 31, 2014 (June 13 rain date) at Kennedy Park from 5pm-10:30pm

2) **First Presbyterian Church** to conduct a Flea Market, June 7, 2014 from 8am-2pm and a fundraiser on June 27, 2014 from 6pm-9pm in the Church Parking Lot.

3) **Parlin DuPont Plant** to conduct their Annual Company Picnic on June 7, 2014 from 9am-5pm at Burkes Park.

4) **Carmine Monteleone** to conduct their Annual Family Picnic on July 19, 2014 at Burkes Park.

- **1-4) Approved – 1 & 2 Resolutions.**

c) **Letter of resignation** received from Wendy Wojtaszek from her appointment on the Recreation Advisory Board.

- **Receive & File**

d) Committee Reports:

1) Thanked the Recreation Advisory Board, Jerry Ust, Parks Dept. for the help with the Fishing Derby and Human Relations Fun Run.

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

a) **Minutes & Departmental Reports:**

Move the following Minutes/Reports be Received & Filed: **(None)**

b) Committee Reports-

1) Progress.

- **PUBLIC WORKS – Council President Novak**

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

Move the following Minutes/Reports be Received & Filed: **(None)**

b) Committee Reports:

1) Councilwoman Novak read letter received from the Arbor Day Foundation naming Sayreville Tree City USA.

2) Councilwoman Novak said that the Business Admin. researched a company that covers residents water & sewer lateral lines from the home to street, if the resident chose to purchase the insurance.

Appearing was Mr. Bill Eller from HomeServe USA who explained the insurance. He said they would need to execute a contract with the Borough and HomeServe would do a mailing to inform the residents of the protection. He said the residents could opt in if they wished and they would be billed directly from the company.

Mayor asked the Business Admin. to have the borough's Risk Managers look at this program.

Councilwoman Novak questioned how the plumber, etc would be called. Mr. Eller said the resident would call their company and they (the company) are partnered with Middlesex Water and have Vetted contractors in each municipality to do the work. So the resident would make one phone call. Mayor asked that Councilman Melendez have a hand in the process as he is the liaison to Water & Sewer. Mr. Frankel asked if they were a 24/7 operation and Mr. Eller said that they were 24/7/365.

Mayor stated that the people who would be involved in the Vetting Process will be – the Business Admin., the Council President, the Liaison to Water & Sewer, the Borough Attorney, the Borough's Risk Manager and the Borough Engineer.

Councilman Buchanan asked if this would need to go out to bid. Mayor asked that the Borough Attorney review the issue.

- **MAYOR – Kennedy O'Brien**

1) Mayor O'Brien announced that he received notification from the Governor's Office that Sayreville has been selected to receive funding from the NJDOT Fiscal Year 2014 Municipal Aid Program for Pulaski Avenue Roadway Improvement Project in the amount of \$300,000. The Borough Engineer gave further details.

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

- **Admin. & Finance**

Authorization to submit the 2014 Annual Action Plan to HUD. The CDBG Committee proposes to use the 2014 allocation of \$178,474 as follows:

- a) Willow St. Reconstruction \$93,474
  - b) Senior Center Boiler Replacement \$70,000
  - c) Administration and Planning \$15,000
- (A copy of the 2014 plan is available from the CDBG Coord.)

- **Resolution**

- **BUSINESS ADMINISTRATOR Con't**

1. Authorization to award a contract for Case Management of the Housing Rehabilitation Loan Program to Rehabco, Inc. of Brick, NJ for their proposal of \$1,000 per case.
2. Authorization to modify a mortgage held by Delores Kilpatrick of 42 Evelyn Terr. Due to a reverse mortgage the borough could not accommodate the request to subordinate the mortgage. The modification will reduce the principal balance on the mortgage to \$6,210.
4. Authorization to Discharge the modified mortgage held by Ms. Delores Kilpatrick upon payment of the new outstanding principal of \$6,210.
5. Authorizing the execution of a Host Agency Agreement with Easter Seals of NJ for the continuation of the Senior Community Service Employment Program for the period of July, 2014 through June, 2015.
6. Appointment of Temporary Employee in the Municipal Clerk's Office.
7. Informed the governing body that the employees will be receiving a class in snow plowing from the County.

**- (1-6) Resolutions**

**- (7) Approved**

**- Planning & Zoning**

**- Public Safety**

**- Public Works**

- a) Request for Authorization for the purchase and installation of Seven (7) Overhead Garage Doors and Two (2) Trolley Operators through State Contract #85294 in the amount of \$28,916.00.

**- Resolutions**

**- Recreation**

- a) Authorization to Amend Chapter XXVII – Special Events of the Revised General Ordinance to waive the Application Process for events being held in Burke’s Park, Jackson Park or Bailey Park.

**- Ordinance**

**- Water & Sewer**

**- Personnel**

- **Closed Session Item**

**- Executive Session Items**

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

- a) Bill List **Resolution**

- b) Authorization to advertise for Refuse Containers for Automated Sanitation Collection.

**- Resolution.**

(Items c&d were added at the meeting)

- c) Authorization to reject the electrical Bids and bids for Electrical Services as they did not come in responsive. The Specs will be revised and be re-advertised.

**- Resolution.**

- d) Authorization to award contract for the Installation of Playground Equipment to the lowest responsive bidder Whirl Construction in the amount of \$38,500. Covered under last year’s Park Improvement Ordinance.

**- Resolution.**

- **BOROUGH ENGINEER -Jay Cornell**

- a) 2013 Roadway Paving and Reconstruction Project – Phase I Receipt of Bids (Report Attached).  
(Richards Drive, Roma Street, Willow Street and Pike Place.)

**- Resolution.**

- b) Towne Lake West – Bond Release Request (Report Attached)

**- Resolution.**

- **BOROUGH ATTORNEY - Michael DuPont**

**PUBLIC PORTION**

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

- George Giovenco, 204 Main Street

Appeared here two weeks ago regarding two properties in disrepair in bank foreclosure and no one ever got back to him.

- Response by the Business Administrator that they are bank owned and do not have an answer for him yet.

Mayor asked the attorney to look into the borough ordinance that covers properties in disrepair and for the business administrator to get in touch with the Construction Official.

Mr. Giovenco offered to cut the lawns for a fee from the banks.

No further questions or comments. Councilman Buchanan made a motion to close the public portion. Motion seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes. Carried.

**EXECUTIVE SESSION –**

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

Attorney DuPont read the following Resolution into record:

**RESOLUTION FOR CLOSED SESSION**

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

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

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5 minutes to discuss the following matters:

- Personnel, Possible Litigation & Contract Negotiations

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

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

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

/s/ Daniel Buchanan  
Councilman

APPROVED:

/s/ Kennedy O'Brien  
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried.

Time: 7:35 PM.

- **RECONVENE**

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

Time: 7:42PM

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 7:42 P.M.

SIGNED:

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

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