

Mayor O'Brien called the Council meeting to order at 6:58 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Borough Clerk Farbaniec announced that this July 22, 2019 Council Meeting had 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 Dalina, Enriquez, Kilpatrick, McGill, Novak.

Absent: Council President Buchanan

Others Present: Kennedy O'Brien, Mayor

Daniel E. Frankel, Business Administrator

Denise Biancamano, 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:**

Councilwoman Novak moved the following minutes be approved, subject to correction if necessary:

- ☒ May 28, 2019 - Regular Meeting & Agenda Session
- ☒ June 24, 2019 - Regular Meeting

Seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill, all Ayes.

- **Presentation - None**

At this time the Mayor call forward Ken Kelly and Rich Kosmoski members of the Veterans Alliance.

Ken Kelly said that there will be several people speaking here tonight.

Before he began he stated that just before the meeting he met with the Borough Attorney and the Attorney for Riverton. He said that it appears the veterans issues with the paragraph and wording regarding the veteran street names have been rectified and will continue to work on that. But he said that the veterans are here and will still be speaking on what happened as they are very unhappy about it.

Mr. Kelly addressed the Mayor and members of the Governing body.

In a statement he said that recently they have been made aware that a new Borough Ordinance #458-19 is up for final adoption here tonight. He expressed that the veterans of the community are outraged and disgusted that neither SERA or the Borough Council sought input of the Veterans Alliance regarding this change. He said that this ordinance allows the developer along with SERA's approval to assign Sayreville street names. He noted that this is unacceptable. He said that approx. 2 months ago the Mayor asked that he meet with Mr. Kevin Paulson the Project Executive for Riverton. He met with him followed by meetings with the Mr. Paulson and the Veterans Alliance in attendance. He said that last Tuesday they met with Mr. Paulsen and Mr. Mark Fetta the Sr. Vice

President of the Development for Riverton. He said that the meeting ended amicably. He said that later that evening he received an e-mail from Mr. Paulson outlining the items discussed, which were: developer would assign names to primary roads; the naming of Peter Fisher Blvd. would remain; the east – west roads in Parcel C would be laid out in a numerical grid; Honorary street names and the names of Silver Star recipients would be included in the proposed Avenue side. The Roads in residential neighborhoods would be named for veterans as chosen by the Veterans Alliance and the Developer, the Waterfront walkway would be a forum for recognition for Sayreville Veterans and the history of participation of all conflicts and wars. The Alliance requests that paragraph seven of the proposed Ordinance #458-19 not be voted on at this meeting and that the developer and Veterans Alliance will have input on the rewording of this paragraph to the approval of all. He said that the Veterans Alliance praises and commends Riverton, Mr. Paulsen and Mr. Fetta and looks forward to meeting with them.

He went on to explain why he and the Veterans feel slighted in this matter.

Rich Kosmoski than came up and further exclaimed why the veterans feel offended.

The Veterans fought for all of our freedoms and all they do.

He said that the Mayor and Council in the past was to name all new streets in the borough after our veterans. He said that streets most recently in Towne Lake, La Mer and Patriots Hill. He said that the Veterans Alliance worked diligently to formalize a list of families that had multiple family members serving and how they certified the list that had four family members who served in the Military. He went on to say that that list went to the Tax Assessor for pulling from the list to name new streets with the veterans' names.

He talked about the history and the sacrifices of the Veterans. He talked about the Ordinance and how it was currently written and then who will be naming the streets.

He urged the Council not to change the Ordinance and give SERA the authority to name streets just to accommodate outside contractors.

He then mentioned 2,000+ names on the Veterans Honor Roll on the main floor here at Borough Hall.

He said the Veterans are looking for a favorable decision in killing this change once and for all.

Ed Streck, 58 Nickel Avenue – American Legion Post 211 , Past Commander and current Captain of the Post Color Guard.

He mentioned the sacrifices the veterans of WWI, WWII, Korea and Vietnam.

He reviewed each war and how many served and were KIA.

Spoke about the Silver Star recipients and he named each here from Sayreville.

He commented on the Sayreville Veterans Alliance. He requested that SERA be deleted from the street naming part of the Ordinance and that the Sayreville Veterans Alliance and Tax Assessor be added.

Mike Macagnone, 29 Zaleski Drive

Being a Veteran, he spoke in support of the veterans. He said the streets that are already named after the veterans and parks and the history they tell.

Ray Skarzynski, Deerfield Road

Spoke about street names and what it is like to be a veteran. He said that there should always be a veteran as a council person. He said that he sees some candidates in the audience and he asked them their views of veterans.

Spoke about his wife's family members that served.

Stanley Drwal, once a Councilman  
Explained why he was upset.

Frank Terzino, 32 Canal Street  
Pointed out the various medals his family members received in the services.

Councilwoman Novak stated that Ray Skarzynski was the driving force to have the streets named after the veterans when he was on the Council.

Jennifer Philips Smith, Attorney with Gibbons PC  
She said that she is here tonight representing Sayreville Seaport Associates Urban Renewal, LLP which is the new designated redeveloper for the Riverton project.

She thanked all the Veterans for coming out tonight. She asked Mr. Polston, Project Executive to speak briefly as he has had many conversations with the Veterans Alliance and would like to comment.

Kevin Polston,  
He apologized to the veterans as a group and individually for anything they and the Riverton Team may have done to make them feel slighted. So from himself and his organization he apologized. He thanked Mr. Kelly, Mr. Kosmoski and Mr. Strek for their stories. But most of all for meeting with them and having a dialog about where we might find shared ground for compromise. He said that they (Riverton) looked beyond street signs and wanted to do more for Sayreville veterans and their families. He said that they have the framework for a broader acknowledgement of the veterans along the hero's walk, which is a central part of the program, so on behalf of the developer he asked that paragraph 7 – the street naming portion of the ordinance be stricken so that the balance of the ordinance can be adopted here tonight and the dialog will continue with the Veterans Alliance with an alternative means to honor veterans and a structure for the street naming that works for all interested parties.

The Borough Attorney expressed to the Mayor and Council that it was his understanding that the language that was added will be stricken and the language that previously existed which says "Street names should be chosen from the list of veterans maintained by the Borough" will remain.

Mayor suggested that it read - the names that are supplied by the Veterans Alliance and maintained by the Borough, just so it is clear going forward.

Jennifer said that she does not have any problem with that but for this evening it was written to put back exactly what was there so the ordinance could be adopted tonight.

Mayor said that he just wanted to add to it – names supplied by the Veterans Alliance. The Borough Attorney said that the list of veterans have always been supplied by issued with the policy and this ordinance will achieve your goal. The ordinance will read street names supplied by the borough and with the existing policy that enforces that. Do not need to change anything. Mr. Kelly and the organization will still continue to supply the veteran's names to the Borough and the Borough will maintain that list.

Jennifer said that there was also a Resolution that the Borough adopted. She asked that the Borough consider adopting the balance of the Ordinance.

Mr. Kelly said that before anything is passed by the Council the Veterans Alliance would like to review and work with the Riverton Attorney first.

Mayor recommended that it be strengthened now so this issue does not happen again.

He again stated how it should read-Names supplied to the borough by the Veterans Alliance. Mayor spoke in support of the veterans.

Mr. Polston said that it was their intention to work with Mr. Kelly and members of the Veterans Alliance to come up with a specific recommendation.

Mayor said that there was a policy that the Veterans Alliance would supply the names. He felt that was being thrown to the curb. So his recommendation has nothing to do with Riverton but everything to do with the rights of the veterans to name the streets of Sayreville.

Ken Kelly said that on behalf of the Alliance, Rich Kosmoski, the American Legion and the VFW, they thanked the Attorney for listening to them this evening, so they will be working with both attorneys here tonight and get the Ordinance worded that is in the best interest of their organization and the veterans.

Councilwoman Novak said that years back past Councilman Ray Skarzynski was the driving force of the council at that time when the developers stopped using the veterans' names because some were hard to pronounce. Back then, he said that if the name were good enough to be on a head stone it was good enough to be on a street sign.

Councilwoman Kilpatrick asked for some guidance here on this ordinance. She said that she is hearing that the representatives from Riverton want paragraph 7 stricken from the Ordinance.

Mr. DuPont said that they want the amended portion removed and go back to the existing ordinance that says "Street names are to be chosen from the list of veterans maintained by the Borough".

Councilwoman Kilpatrick commented about the Mayor stating that there was a policy the borough has about the Veterans Alliance providing the names to the Borough in order to name the streets. She wanted to make it an ordinance. She wanted a stand-alone ordinance, separate from this ordinance, so that it is not buried in a development ordinance.

Ken Kelly and the Alliance said they would have no problem with that suggestion. He further went on saying that as of the meeting last week they had no problems with the working they proposed but it would need fine tuning. Work with Riverton and maybe come up with a separate paragraph that addressed all issues.

Councilwoman Kilpatrick asked if they were okay moving forward tonight as to approve the change as was read by Mr. DuPont? Mr. Kelly said only if paragraph seven is removed in its entirety. That they did not want to vote on something that they were not sure of.

Mr. DuPont said that he wants to be clear, that they want to remove paragraph seven and the language that street names should be chosen from a list of veterans' names maintained by the Borough.

Discussion continued regarding the policy, resolution and ordinance and what would be changed or not. Borough Attorney Mr. DuPont said that by removing the paragraph entirely are substantive changes and would have to be re-introduced.

Mayor and Councilwoman Kilpatrick suggested we put this discussion on hold and ask that the Veterans Alliance meet with Riverton here and now and work this out.

Stanley Drwal came to the podium and said that he felt that the Veterans Alliance and Riverton came up with an agreement that they can all live with. He

specifically said that there were a few streets different from veteran's name that they agreed to. So at this point we should table this piece on the street naming. He said that should be a separate ordinance and that if the Veterans are giving a waiver this need to be spelled out that it is for this one particular project and nothing else.

Mr. DuPont said that if there is an agreement that the existing, old language remain which is "Street names should be chosen from a list of veterans maintained by the Borough". That would be a minor change because you are just reverting to the existing wording and deleting what was to be replacing the old language. He asked if the old language was acceptable, if not the ordinance would have to be re-introduced and adopted.

Mr. Kosmoski added that they would also like added "maintained by the borough, submitted and approved by the Veterans Alliance" and everything after that removed.

The Borough Attorney said that is a major change.

Mayor stated his opinions and that they should not be held to any time table.

Councilwoman Novak asked if the veterans list the borough has now is supplied by the Veterans Alliance. Mr. Kosmoski said yes but it is not stated anywhere.

Mr. Strek felt that Councilwoman Kilpatrick had a good idea in deleting section seven of the Ordinance and create a separate ordinance directly addressing the street names in Sayreville being supplied by Sayreville Veterans Alliance.

Mayor suggested that they all go meet in one of the conference rooms to see if it can be worked out and make a decision. They all agreed.

Mayor said that before moving onto Old Business if there was anyone here from NCBDI. No response.

Mayor called for Old Business holding off on Ordinance #458-19 until the Veterans return.

Clerk moved on and announced the heading for Public Hearing on Ordinance #459-19.

**ORDINANCE # 459-19**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING**  
**CHAPTER VII OF THE REVISED GENERAL ORDINANCES**  
**OF THE BOROUGH OF SAYREVILLE TO SUPPLEMENT AND**  
**AMEND SECTION 7-4.1 TRUCKS EXCLUDED FROM CERTAIN STREETS**

Mayor O'Brien opened the meeting to the public for questions or comments on Ordinance #459-19.

Those appearing were:

- Robert Griffin of Griffin, Alexander, PC here on behalf of Main Street Townhome Association.

He thanked the Mayor and Council for bringing this ordinance for a vote tonight and hopefully adopting it tonight. He suggested there be an exemption added to the ordinance covering moving trucks, home improvement construction trucks and delivery trucks to homes.

He went on to speak about the Main Street By-pass and through traffic. He commented on the traffic study they had performed and distributed. He said that one of the matters that has been holding up the by-pass is the Main Street Community that has been opposing the by-pass and the shame of it is that the

Main Street Community does not want to oppose the by-pass. He said that the Main Street Community has only asked for two things. One of which you are about to approve this evening. Which is preventing trucks from traveling through a residential community. The seconded thing is that the by-pass not be open until the by-pass is constructed through to Crossman Road or at least a road going further up where there is not as much traffic. He again addressed the traffic study as it relates to Kimball Drive and its rating of "F". He said that he wrote and asked for an off line meeting with some members of the council so that the Assoc. could have an open and free discussion and asked once again for Mr. Mocco to attend. He then asked if the settlement with Mr. Mocco or his entity had gone through. The Borough Attorney responded that it did. He went on to tell Mr. Griffin that he was not aware that he sent any correspondence to anyone on the dais and asked that he send him a copy. Discussion followed on when the document was sent. Mr. DuPont said that right now we are discussing the Ordinance for trucks on Kimball Drive East & West.

Mr. Griffin asked for verification that Mr. Mocco had committed to giving the borough a piece of property so that the by-pass could occur. Mr. DuPont said that that was just an agreement to agree. There has not been any easement provided. He said that he reached out for Mr. Mocco's Counsel and is waiting for a return phone call.

Councilwoman Kilpatrick said that she does not know anything about an agreement. She has never seen anything about property being given over to the borough by Mr. Mocco. Mr. DuPont said that there was an agreement that Mr. Mocco made with the Borough that says (with no copy in front of him) an agreement to agree to provide assistance or an easement with/for the purpose of Main Street By-Pass. Councilwoman Kilpatrick asked who in the borough agreed to this. She asked each councilmember and no one knew. She then asked someone to produce this agreement. Mr. DuPont said that there was an agreement executed between Mr. Mocco and the Borough – he said that it was an agreement signed by the Mayor saying that it was an agreement to agree. Councilwoman Kilpatrick said that we as the borough – did not agree or vote on anything. She said that now she is concerned because it is her understanding that the property tied to this easement is the subject to potential contamination, from the dredge that was pulled from the Raritan River and placed there. If the Mayor signed an agreement acting as the borough he has no authority to do. She went on to address the potential environmental issue and does not want any litigation. She asked the Mayor if he signed an agreement. She asked for a copy of this agreement.

**Councilwoman Kilpatrick made a motion to adjourn the meeting until this agreement is produced. Seconded by Councilwoman Novak.**

Borough Clerk asked the attorney for guidance inasmuch as we were still in a public portion.

Mr. DuPont said that the Attorney at the podium who is speaking on this ordinance indicate that there is some agreement and that he asked the question based on some sort of knowledge. And based upon that knowledge Councilwoman Kilpatrick and Novak asked that the agreement be produced.

So, that motion needs to be voted on and the meeting adjourn until the agreement is produced.

The Clerk calls the

Roll Call: Councilpersons Kilpatrick, Dalina, Enriquez, McGill, Novak, all Ayes.

Mayor alluded to an agreement that he instructed be distributed to the Governing Body and the professionals and he said that he assumed it was and that was when the Clerk was on vacation.

Councilwoman Kilpatrick stated that the Mayor just acknowledged that there was an agreement and asked for a copy.

The clerk left the council chambers to retrieve a copy of the agreement.

8:28 P.M.

Mayor O'Brien called the meeting back to order.

**Motion made by Councilwoman Novak to reconvene the meeting. Motion was seconded by Councilman Dalina.**

Roll Call: Voice Vote, all Ayes.

Mayor O'Brien said that the Borough Clerk handed out the agreement to execute and this Agreement was made on the 10<sup>th</sup> day of July, 2019. He said that he had received a request to meet with Mr. Mocco and he met with him on July 8<sup>th</sup> in his (the Mayor's) office at 4:15PM. He said the meeting lasted approximately 45 minutes. He said that the meeting was about the ordinance affecting his property and as the conversation was coming to a close. He said to Mr. Mocco that he has something that the Borough would like, the property that is required for the completion of the Main Street By-Pass. He said Mr. Mocco said that he would give it to the Borough. He said that he called the Borough Engineer explaining that he was meeting with Mr. Mocco and he had tentatively agreed, with a handshake that he would accommodate the Borough, because without that property the Main Street Extension could not happen. So they then went over to CME Associates' office and met with the Borough Engineer where they discussed the parcels. He went on to say that this is a Right of Way. So we do not have to go through a long legal process when we want to extend the Main Street By-Pass. He said that he told Mr. Mocco that he would need an agreement prepared before he would have to make a decision on whether or not to sign the Fulton's Landing Redevelopment Ordinance #452-19. Then on July 10<sup>th</sup> with about 45 minutes to spare he received the agreement and he said that he signed it. There was no money transaction. It merely has to deal with the Right of Way. So we now have a Right of Way to use this property, which is contaminated. We did not purchase it, we did not take ownership of it, we do not have legal Title to it, we have a Right of Way to enter into negotiations. He said that is what this means, he said that it appeared to him as an opportunity for the borough to avoid lengthy litigation when the Borough is ready for that portion of the By Pass Roadway. If the Council does not want it, they can rip it up and throw it out.

Councilwoman Kilpatrick asked if the Mayor had the right to enter into a binding agreement for the Borough without the Council's vote for authorization with the form of government we have. Mr. DuPont said that all agreements have to be authorized by the Council and that this agreement is just an agreement to execute an easement for a Right of Way for the Main Street By-Pass and it gives specific blocks and lot description. Block 245, Lot 1; 246, lot 1; 246, lot 1.06 and it is an entitlement to an agreement to execute an easement. So having read this agreement we will probably have to amplify and ensure that, if the Council wants to then enter into an Easement Agreement. He said that this is just an agreement to execute an easement.

Councilwoman Kilpatrick felt that this agreement should contain a clause that this area is an environmentally contaminated site and it should note that the Borough would not be held accountable for the property cleanup. This agreement was done on 7/10/19, no one ever saw it until we adjourned today and an attorney for the Main Street Town Homes knew of it. She asked the Attorney to review this document and make sure the residents of Sayreville are protected and that if we move forward that will get us a By-Pass. Councilwoman Kilpatrick made a motion (if necessary) for the Borough Attorney to review this document and meet with the developer, if necessary and bring

back an agreement that the Council could use and be protected by. Motion was seconded by Councilwoman Novak.

Councilwoman Novak asked a question regarding a portion of the signed agreement regarding indemnification.

Mr. DuPont said that this is simply just an agreement to execute an easement for the Right of Way for the Main Street By-Pass.

Councilwoman Novak asked that when the easement is granted, we won't be held liable with this indemnification clause.

Mr. DuPont said that the language will have to be reflected that it will be limited to whatever we are using the Main Street By-Pass Easement for.

The Clerk noted that the Borough Attorney indicated that there was no Motion necessary, he will take the direction.

At this time the Mayor called Mr. Griffin back up to continue with the public hearing on Ordinance 459-19.

- Robert Griffin, Griffin, Alexander PC appearing on behalf of the Main Street Homeowners Association.

He said to summarize - he would like to meet with the Borough Attorney, off line with the Borough Engineer's participation and review the maps, etc.

The Borough Attorney stated that he would need some dates and would have his secretary schedule.

- Art Rittenhouse, 33 Delikat Lane, Main St. Townhomes.

Agreed with the Ordinance having Kimball Drive East and West going through, limiting the trucks, but there would need to be language regarding other trucks making deliveries.

Mayor asked if there were any other questions or comments on this ordinance. There were none.

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

Roll Call: Councilpersons Kilpatrick, Dalina, Enriquez, McGill, Novak, all Ayes.

**ORDINANCE # 459-19**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING**  
**CHAPTER VII OF THE REVISED GENERAL ORDINANCES**  
**OF THE BOROUGH OF SAYREVILLE TO SUPPLEMENT AND**  
**AMEND SECTION 7-4.1 LIMITING THE USE OF**  
**STREETS TO CERTAIN CLASS OF VEHICLES**

**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:

**7-4.1 Trucks Over Four Tons Excluded from Certain Streets.**

<i>Name of Street</i>	<i>Location</i>
<b><i>Kimball Drive East</i></b>	<b><i>Entire Length</i></b>
<b><i>Kimball Drive West</i></b>	<b><i>Entire Length</i></b>

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter VII Section 4.1 - Trucks Over Four Tons Excluded from Certain Streets** of the Revised General Ordinances of the Borough of Sayreville, shall be amended to reflect said change.

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

/s/Victoria Kilpatrick, Councilwoman  
(Sponsor)

**ATTEST:**

**APPROVED:**

/s/Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/Michael DuPont, Esq.  
Borough Attorney

Mayor called Ken Kelly, Rich Kosmoski, Co Chairmen Veterans Alliance and Keith Kandel, VFW, Post 4699.

Rich Kosmoski said that Paragraph 7, would remain as was (old) and new stricken. It would read, Street names should be chosen from the list of Veterans maintained by the Borough.

Mayor asked for the Clerk to read the Ordinance heading.

Clerk Read:

**ORDINANCE #458-19**  
**AN ORDINANCE AMENDING THE WATERFRONT  
REDEVELOPMENT PLAN OF THE BOROUGH OF SAYREVILLE,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**  
(Planning & Zoning - Co. Dalina Public Hearing 7-22-19)

Mayor opened the meeting up to the public on Ordinance #458-19.

Those appearing were:

- Ruth Ann Mahoney, 2 Gerard Place, Parlin

Stated that she is in favor of naming any road anywhere in the Borough after our Veterans.

The developers would not be developing if it were not for our veterans.

-Art Rittenhouse, 33 Delikat Lane, Parlin

Questioned how this ordinance was changed.

Mr. DuPont stated that it will be changed to strike out all language other than the language that previously read in paragraph 7....Street names should be chosen from the list of veterans maintained by the Borough.

He also commented as president of the Sayreville Historical Society, commending the Veterans and commended Past Commander Ed Strek because 3 years ago Mr. Strek suggested the students he take on tours every year at the Historical Society and suggested that he also bring them to Borough Hall and view the list of names on the Veteran's Wall and give history. He also gave history on the WWI Monument in front of the Borough which was the first monument erected in the United States to honor our WWI Veterans. We also have our WWII Veterans Monument also in front of the Borough Hall.

Michelle Maher, 12 Gavel Rd.

She said that Mr. Skarzynski had asked earlier during the meeting for anyone running for Council for their views.

She said that she echoes Ruth Ann Mahoney 100%, that she comes from a family of Veterans. She said that following the Memorial Day Parade she was approached regarding a Vietnam Memorial and she said she was proposing that the Borough create one with the help of the Veterans to a location they felt would fit.

Before closing the Public Portion the Mayor called upon the Borough Attorney to read the correct portion of the Ordinance.

Mr. DuPont stated that Paragraph 7 under section VII is deleted and in terms of the new language for paragraph 7 and the only thing that will remain in the paragraph, which already exists, which means.... Street names should be chosen from the list of Veterans maintained by the Borough. Any and all language within that paragraph is removed. Mayor asked if there were any objections to this amendment. There were none.

- Frank Terzino, 32 Canal Street

He stated that the word "should be" in the paragraph should read "shall be".

No further appearances.

Councilman Dalina moved the public portion be closed and the Ordinance adopted on second and final reading and advertised according to law. Motion seconded by Councilwoman Novak.

Roll Call: Councilpersons Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes. Carried with changes.

**ORDINANCE #458-19 – Adopted version 7-22-19**  
**AN ORDINANCE AMENDING THE WATERFRONT**  
**REDEVELOPMENT PLAN OF THE BOROUGH OF SAYREVILLE,**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**WHEREAS**, the Sayreville Economic Redevelopment Agency ("SERA") has designated Sayreville Seaport Associates Urban Renewal, L.P. ("SSA") as the designated redeveloper of a portion of the Sayreville Waterfront Redevelopment Area ("S.W.R.A."); and

**WHEREAS**, the Sayreville Borough Council adopted the Waterfront Redevelopment Plan ("the Redevelopment Plan") dated January 1999 to guide the redevelopment of the S.W.R.A.; and

**WHEREAS**, the Redevelopment Plan was amended on August 21, 2006 by Ordinance No. 951-06 (which was subsequently repealed), on February 9, 2009 by Ordinance No. 76-09, and on April 8, 2013 by Ordinance No. 214-13; and

**WHEREAS**, as the vision for the S.W.R.A. has evolved over time due to a variety of circumstances, SSA has requested a variety of modifications to the Redevelopment Plan to facilitate the redevelopment of the S.W.R.A.; and

**WHEREAS**, SERA has reviewed and supports the proposed amendment of the Redevelopment Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE MAPS CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS:**

The following schematic maps, each dated 2/13 (collectively "Schematic Maps"), are annexed to Ordinance 214-13 ("2013 Amendment"):

- Schedule A: "Sayreville Waterfront Redevelopment Area Redevelopment Parcels Map"
- Schedule B: "Sayreville Waterfront Redevelopment Area Proposed Roadway Schematic"
- Schedule C: "Sayreville Waterfront Redevelopment Area Proposed Water System"
- Schedule D: "Sayreville Waterfront Redevelopment Area Proposed Sanitary Sewer System"
- Schedule E: "Sayreville Waterfront Redevelopment Area Land Use Plan"

The Schematic Maps shall be considered illustrative only, and where there are inconsistencies between the Schematic Maps and the text of the Redevelopment Plan, the text shall control. The Schematic Maps shall collectively be amended as follows:

1. Parcels C1, C2, C3, and C4 shall be considered a single parcel, known as "Parcel C";
2. No roadways or walkways shall be required to be constructed on Parcel A. However, a portion of Parcel A may be used to construct a jughandle or other road to facilitate connection from Route 35 to Parcel B;
3. Water service shall not be required to be extended to the existing domestic water line on Horseshoe Road nor to be extended to service Parcel A; and
4. Multiple lift stations for the disposal of sewage shall be permitted within the S.W.R.A.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE TEXT CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS:**

- I. **The following paragraph on Page 9 of the Infrastructure Section shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough):

Improvements to the public roadways are required to facilitate circulation and increase roadway capacity and accessibility through the Area. It is anticipated that, at a minimum, a connector road between Parcels B and C will be constructed under the GSP and Route 9 to connect to Route 35. ~~[The continuation of the roadway from Parcel B to Parcel A under Route 35 will be encouraged, drawing together all tracts for a cohesive interconnected circulation pattern. This]~~ A second roadway will also extend along a route parallel to the rail alongside the MCUA and will be continued to a future extension [beyond Parcel D.] of the Main Street Bypass. Once a redeveloper has completed 500,000 square feet of commercial space on Parcel C, the redeveloper and SERA shall explore alternative designs for the final layout of this second roadway to connect to the Main Street Bypass. The redeveloper's obligation to construct this portion of the connection to the Main Street Bypass shall not be triggered until (1) the segment of the Main Street Bypass that will connect to the redeveloper's segment of the Main Street Bypass has been designed and funded; and (2) the redeveloper has constructed one million square feet of commercial space within the S.W.R.A.

- II. **The following Principal Permitted Uses for Parcel B and Parcel C, as last modified by the 2013 Amendment, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

12. Age-Targeted Residential Uses, which may include various housing unit types, including low, middle and high-rise facilities, and which shall encourage the residential over retail concept, not to exceed a maximum of 2,000 total residential dwelling units. All residential development shall be designed so as to minimize the construction of units with more than two

~~bedrooms, the generation of school age children.~~ Age-Targeted Residential [development] Uses shall mean those residential uses that comply with and provide the amenities and support facilities identified in the resolution of SERA dated October 29, 2007, designating OPG as redeveloper with respect to Parcels A, B, C1, C2 and C3, as such amenities and support facilities shall be approved by SERA.] Master Redevelopment Agreement dated May 14, 2008, as may be amended. SERA's approval of any site plan prior to submission to the Planning Board shall constitute a conclusive determination that such proposed residential units comply with the requirements for Age-Targeted Residential Uses.

The design and construction of the Age-Targeted Residential Units must comply with the Federal Fair Housing Act, 42 USC 3601-19, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-1 et seq., and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12.5, and any related Judgment of Repose for the Borough of Sayreville, if such a judgment is in effect.

13. Assisted living facilities[~~, skilled care residential facilities~~] and continuing care retirement communities, which shall count toward the limit on residential units.

14. Nursing homes, skilled care facilities, hospitals, surgical centers or other similar medical facilities, including urgent care centers and the offices of physicians and other medical practitioners.

\* \* \*

17. Water-related and water dependent uses such as but not limited to marinas, docks, watercraft repair and storage (including watercraft repair and storage conducted by a retailer which sells watercraft at a location elsewhere in the Redevelopment Area, provided that there shall be no more than one such watercraft storage area associated with a principal retail use in the Redevelopment Area), marina fueling stations, bait and tackle shops, dry docking, watercraft maintenance facilities and waterfront restaurants and banquet or catering facilities.

\* \* \*

21. Park and Ride Facilities, ride sharing services, car sharing services, and car rental services.

**III. The following new Permitted Principal Uses shall be permitted on Parcel B and Parcel C:**

29. Self-Storage facilities, provided that the facility is in a multi-story format and offers climate-controlled storage options. No more than three such facilities shall be permitted within the Redevelopment Area.

30. Mid-rise Vehicle Sales, which shall be defined as a facility that includes a vehicle storage and display tower of three or more stories, with automated retrieval systems, for the display and sale of new or used vehicles (which may also be used for storage and customer pickup of vehicles purchased or reserved via the internet) and that has an associated land area of no more than one and a half (1.5) acres. No more than two such facilities shall be permitted within the Redevelopment Area.

31. Facilities producing alcoholic beverages for wholesale or retail distribution, including breweries, wineries, meaderies, and distilleries, which may include related ancillary activities such as tours, sampling, entertainment, and food service.

**IV. The following Accessory Use for Parcel B and Parcel C, as last modified by the 2013 Amendment, shall be amended as follows (insertions are**

indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]:

7. Auto repair, fuel sales and car washes, when associated with a permitted retail use measuring at least 40,000 square feet (which accessory uses shall not be subject to the cap on Gas Stations). Used car lots, other than Mid-rise Vehicle Sales, shall be prohibited.

V. **The following Standard as it applies to uses in Parcel B and Parcel C, as last modified by the 2013 Amendment, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

Configuration of property. Redeveloper may consolidate, subdivide and condominiumize the property. The redeveloper may also create one or more property associations for the management of common amenities and facilities.

VI. **Standards 2, 7, and 9 for the construction of the Waterfront Walkway, presently found on Page 12 of the Redevelopment Plan, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

2. The walkway shall be a minimum of twelve (12) feet in unobstructed width, except that in limited areas, the walkway may be reduced to no less than eight (8) feet due to physical, environmental or development constraints or in areas with lower anticipated pedestrian traffic. The walkway shall be [and] an average of [twenty (20)] sixteen (16) feet throughout and shall be constructed of concrete or similarly durable material, subject to specific site conditions. It shall be constructed of the same types of materials throughout its entire length, except (i) in certain focal areas, where complementary higher quality or ornamental material may be used; and (ii) where the use of other materials is required due to physical, regulatory or environmental constraints. Additional width shall be provided in areas with additional amenities such as benches or planters. A walkway right-of-way width of twenty-five (25) feet is recommended.

\* \* \*

7. The waterfront walkway shall be constructed by the redeveloper(s) in conjunction with the development of the adjacent property. No walkway shall be required on Parcel A or those portions of Parcel C3 between the Raritan River and property owned by the Middlesex County Utilities Authority where no vertical development is proposed to be constructed. Mechanisms to guarantee the timely completion of the walkway shall be imposed on the redeveloper(s) at the time of site plan approval.

\* \* \*

9. Property owners ~~shall~~ be responsible for maintenance of the portion of the walkway on their property, provided that the maintenance obligation may be assumed by a property owners association, in which case the individual property owner shall not be responsible for such maintenance.

VII. **Paragraphs 5, 6, and part of 7 on Page 21 of the Redevelopment Plan, within the Off-Street Parking and Circulation Section, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

5. [All ninety (90) degree parking spaces that are long-term in usage shall be a minimum of nine (9) feet in width by eighteen (18) feet in depth. Aisles shall be a minimum of twenty-four (24) feet in width.] All ninety (90) degree parking spaces in surface lots shall be a minimum of nine feet (9') in width by eighteen feet (18') in depth, provided that up to ten percent (10%) of required parking spaces may be compact spaces measuring

eight feet six inches (8'6") in width by seventeen feet (17') in depth. All ninety (90) degree parking spaces in multi-level parking garages shall be a minimum of eight feet six inches (8'6") in width by eighteen feet (18') in depth, provided that up to ten percent (10%) of required parking spaces may be compact spaces, interspersed throughout the garage and not concentrated in adjacent bays, measuring eight feet (8') in width by sixteen feet (16') in depth. The above notwithstanding, compact spaces may be located in parking garages only where physical obstructions or anomalies (such as

structural components, utility lines or equipment, geometric irregularities, stairwells, elevator lobbies, pedestrian walkways) make full-size spaces impracticable, or to address turning radius considerations with respect to spaces located on aisle end-caps. Aisles in ninety-degree (90) parking fields shall be a minimum of twenty-four feet (24') in width. Diagonal parking fields are permitted, provided that the spaces shall have an angle of not less than sixty (60) degrees, and the aisles shall be one-way and not less than eighteen feet (18') in width. On street parallel parking spaces shall be seven feet (7') in width by twenty three feet (23') in length. The Borough agrees to seek a Special Area Designation under the Residential Site Improvement Standards, N.J.A.C. 5:21-3.5, to obtain formal approval of the standards within this paragraph from the Site Improvement Advisory Board.

6. All parking garages shall be designed using compatible or complementary materials as the principal buildings so that they blend in architecturally. ~~[All voids in structures shall be screened so that lights and vehicles are not individually visible.]~~

7. . . . Street names should be chosen from the list of Veterans maintained by the Borough.

VIII. **Paragraph 1 on Page 22 of the Redevelopment Plan, within the Screening of Exterior Mechanical Equipment Section, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

1. In areas where rooftops can be viewed from ~~[adjacent]~~ public roadways directly adjacent to the building, rooftop equipment shall be screened to commercially reasonable standards as approved by SERA ~~[the greatest extent possible, and/or shall be painted to match the roof. If such rooftop equipment is visible from the public road, it shall be finished to match the façade of the building].~~ This provision does not require rooftop equipment to be painted or screened from view from the Garden State Parkway, Route 9 or Route 35, as it is acknowledged that rooftops will be visible from such roadways and any attempts at screening or camouflaging would be impracticable.

IX. **Paragraph 3 on Page 23 of the Redevelopment Plan, within the Signage Section, shall be amended as follows** (insertions are indicated by

underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

3. ~~[No rooftop signs shall be permitted.]~~ Rooftop signs shall be permitted for the identification of the proper name of the business or place where the sign is located or for the identification of an actual bona fide and principal activity, product or service, or for an event that is conducted, available, offered or produced on the property where the sign is located. In addition, rooftop signs may state the name of the overall development project (i.e. "Riverton"), a district within the project, or a geographic reference such as the name of the Borough, County or State. Rooftop signs must contribute to the overall aesthetic of the development and must be approved by SERA in its reasonable discretion and must be consistent with the scale of the buildings on which they are located.

- X. **The following paragraph on Page 28 of the Redevelopment Plan shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):  
The Redevelopment Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval of this amendment to the Plan by Mayor and Council.

/s/ Kevin Dalina, Councilman  
(Planning & Zoning) 6-10-19 Intro.

**ATTEST:**

**APPROVED:**

/s/Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/Michael DuPont, Esq.  
Borough Attorney

The Clerk read the heading for Public Hearing on Ordinance #460-19

Mayor O'Brien opened the meeting to the **public on Ordinance #460-19**

There were no appearances.

Mayor O'Brien called for a motion to close and adopt.

Councilman 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 Councilwoman Novak.

Roll Call:

Ayes: Councilpersons McGill, Dalina, Enriquez, Kilpatrick, Novak, All Ayes.

Nays: None. Carried.

**BOND ORDINANCE #460-19**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 398-18 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON FEBRUARY 26, 2018 AND ENTITLED "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", TO INCREASE THE TOTAL APPROPRIATION THEREIN FROM \$3,000,000 TO \$3,575,000 DUE TO A GRANT IN THE AMOUNT OF \$575,000 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

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

**SECTION 1.** The bond ordinance of the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on February 26, 2018, numbered 398-18 and entitled, "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” (the “Original Ordinance”) is hereby amended to the extent and with the effect as set forth below:

(a) The total appropriation in the Original Ordinance is hereby increased by \$575,000, from \$3,000,000 to \$3,575,000. The \$575,000 additional appropriation will be funded by a grant expected to be received from the New Jersey Department of Transportation (the “Grant”).

(b) This bond ordinance does not provide for an additional down payment from the amount required by the Original Ordinance and does not authorize an increase in the amount of bonds and notes authorized in the Original Ordinance.

**SECTION 2.** Other than the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Borough, for the improvements and purposes authorized by the Original Ordinance, as amended and supplemented hereby, and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended and supplemented hereby, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Middlesex. Other than the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Middlesex, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended and supplemented hereby, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 2 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 3.** All bond anticipation notes issued under the Original Ordinance, as amended and supplemented hereby, shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to the Original Ordinance, as amended and supplemented hereby, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued under the Original Ordinance, as amended and supplemented hereby, may be renewed from time to time

in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to the Original Ordinance, as amended and supplemented hereby, is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 4.** The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 5.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

**SECTION 6.** The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized in the Original Ordinance, as amended and supplemented hereby, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized in the Original Ordinance, as amended and supplemented hereby, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 7.** Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

**SECTION 8.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

/s/THERESA A. FARBANIEC, R.M.C.  
Clerk of the Borough of Sayreville

/s/DAVID MCGILL, Councilman  
(Admin. & Finance Committee)  
Borough of Sayreville

**APPROVAL BY THE MAYOR ON THIS 22<sup>nd</sup> DAY OF July, 2019.**

/s/KENNEDY O'BRIEN, Mayor  
Borough of Sayreville

**APPROVED AS TO FORM:**

/s/MICHAEL DUPONT, ESQ.  
Borough Attorney

e) Appointments (If any)

• **NEW BUSINESS:**

- a) Clerk's report on Supplemental Debt Statement  
Clerk announced having received the Supplemental Debt Statement from CFO Denise Biancamano effective July 22, 2019.

Councilwoman Novak made a motion to receive & file. Seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

- b) Introduction of the following ordinances:  
Clerk read the Introduction of the following Ordinances:

**ORDINANCE NUMBER 461-19**  
**BOND ORDINANCE PROVIDING FOR 2019 VARIOUS CAPITAL**  
**IMPROVEMENTS,**  
**BY AND IN THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX,**  
**STATE OF NEW JERSEY; APPROPRIATING \$800,000 THEREFOR AND**  
**AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF**  
**THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

(Admin. & Finance - Co. McGill Public Hearing 8-19-19)

Councilman McGill moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on August, 19, 2019. Motion was seconded by Councilwoman Novak.

Roll Call: Councilpersons McGill, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.  
Carried.

**ORDINANCE NUMBER 462-19**  
**BOND ORDINANCE PROVIDING FOR 2019 VARIOUS PARK**  
**IMPROVEMENTS, BY AND IN THE BOROUGH OF**  
**SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF**  
**NEW JERSEY; APPROPRIATING \$750,000**  
**THEREFOR AND AUTHORIZING**  
**THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE**  
**BOROUGH TO FINANCE PART OF THE COST THEREOF**

(Admin. & Finance – Co. McGill Public Hearing 8-19-19)

Councilman Enriquez questioned section three which states not limited to upgrades to the ball field servicing of Boehmhurst Avenue Basketball courts. He said that he inspected quite a few basketball courts here in town and felt the Boehmhurst Ave. court that was not that in need of improvements as opposed to Kennedy Park and others.

Mr. DuPont stated that you could not make changes to the projects that are described in the Bond Ordinance. That would have to be done at a later date.

Discussion on what courts need improvements the most and how and when this could be accomplished.

**Mayor suggested that the Ordinance be pulled and get further input from the Recreation Committee.**

**Councilman Enriquez made a Motion to Pull Ordinance #462-19 for further review and recommendation by the Recreation Committee. Motion was seconded by Councilwoman Kilpatrick.**

Comments:

Councilman McGill commented that he uses Kennedy Park often and it is taken care of the best as possible by our Parks Dept. but this is a center piece to the borough and it is in need of improvements.

Councilwoman Novak said that she will be voting no because they had met and all of this was discussed and these areas were chosen by the Finance Committee of which Mr. Enriquez is part of and everything in recreation was left up to him. She said that she would like to see that this gets approved tonight and then adopt a second ordinance to improve Kennedy Park in order for these projects to get started.

Councilman Enriquez said that Councilwoman Novak ran that meeting and that everything recreation was not left up to him, that there are three on the committee and he was not made aware of how bad Kennedy Park was at that point and that if he was made aware he would have made that change at that point.

Councilwoman Novak then added that she would like to authorize the Borough Engineer for a cost estimate for this improvement. She also said that if this area is in such disrepair that it be closed off so that no one gets hurt.

Mayor asked if there were any objections to this request. None heard.

**Roll Call: Ayes: Councilpersons Enriquez, Dalina, Kilpatrick, McGill.**

**Nays: Councilwoman Novak.**

**Ordinance #462-19 was pulled for further review and recommendation by the Recreation Committee.**

Clerk read the next Ordinances for Introduction:

**ORDINANCE #463-19**  
**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #435-19**  
**FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND**  
**EMPLOYEES FOR THE YEARS 2019 – 2022**

(Admin. & Finance – Co. McGill Public Hearing 8-19-19)

Councilman McGill moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on August 19, 2019. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons McGill, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.

**ORDINANCE #464-19**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE AUTHORIZING THE**  
**ACQUISITION OF LAND IDENTIFIED AS A PORTION OF LOT 1, BLOCK 367.01,**  
**CONSISTING OF APPROXIMATELY 4.34 ACRES, FROM K-LAND CORP. (“SELLER”)**  
**FOR THE PURCHASE PRICE OF \$1,430,000.00**  
**FROM THE BOROUGH’S OPEN SPACE TRUST FUND**

(Co. Novak, Open Space Committee – Public Hearing Aug. 19, 2019)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on August 19, 2019. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill, all Ayes.

**ORDINANCE #465-19 (Tabled)**  
**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #437-19**  
**FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS,**  
**OFFICERS AND EMPLOYEES FOR THE YEARS 2019 – 2022**

(Water & Sewer Committee – Co. Kilpatrick - Public Hearing 8-19-19)

Councilwoman Kilpatrick moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on August 19, 2019. Motion was seconded by Councilwoman Kilpatrick.

**After a brief discussion there was a motion made by Councilwoman Kilpatrick to Table. Seconded by Councilwoman Novak.**

**Roll Call: Councilpersons Kilpatrick, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.**

At this time Mayor O'Brien opened the meeting to the public for questions or comments on the Consent Agenda Items. There were no appearances.

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

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill, all Ayes.

**RESOLUTION #2019 - 220**

**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

Absent

Daniel Buchanan  
Councilman

/s/Victoria Kilpatrick  
Councilwoman

/s/Kevin Dalina  
Councilman

/s/David McGill  
Councilman

/s/Damon Enriquez  
Councilman

/s/Mary J. Novak  
Councilwoman

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael R. DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien  
Mayor

**Bill list of July 22, 2019 in the amount of \$2,662,541.56 in a separate Bill List File for 2019 (See Appendix Bill List 2019-A for this date).**

**RESOLUTION #2019-221**

**WHEREAS**, the following applicant has applied for one trailer license to be used as a temporary construction trailer:

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
The Whiting-Turner Contracting Company	1 Construction Office Trailer	Block 257, Lot 3.04 1000 Chevalier Ave.

**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 trailers;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council do hereby approve the above-captioned application for permission to locate three trailers for temporary storage use on the above-captioned property.

/s/Kevin Dalina, Councilman  
Planning & Zoning Committee

JULY 22, 2019  
REGULAR MEETING

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael R. DuPont  
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien  
Mayor

**RESOLUTION # 2019-222**

**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**

**WHEREAS**, the Sayreville Police Department have requested permission from the Mayor and Council of the Borough of Sayreville to conduct a "National Night Out 2019" event at Kennedy Park on August 6, 2019 from 5:00 PM-9:00 PM; and

**WHEREAS**, it is the belief of the Police Department that this event is a great way to reach the community and help promote police-community partnerships, crime prevention and neighborhood camaraderie; and

**WHEREAS**, the Mayor and Borough Council agree that the event proposed will heighten crime and drug prevention awareness, generate support and participation in local programs and strengthen neighborhood spirit.

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the Sayreville Police Department is hereby authorized to conduct a "National Night Out" event in Kennedy Park on August 6, 2019 from 5:00 P.M. to 9:00 P.M. subject to the completion of the appropriate facility's use form, providing a Certificate of Insurance naming the Borough of Sayreville as Additionally Insured and that must notify the Sayreville Emergency Squad at least one week prior to the event.

**BE IT FURTHER RESOLVED** that sponsors agree to pay for all expenses incurred for this event and that they be billed accordingly.

/s/Damon Enriquez, Councilman  
(Recreation Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael R. DuPont  
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE:

/s/Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien  
Mayor



**RESOLUTION #2019-225**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through ESCNJ Contract #T17/18-21, two (2) 2019 Dodge Durango trucks for the Borough of Sayreville, Code Enforcement Department, from Beyer Ford, 200 Ridgedale Ave., Morristown, NJ 07960, at a total cost not to exceed \$51,131.06.

/s/ Kevin Dalina  
Councilman  
(Planning & Zoning Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-226**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through New Jersey State Contract #T1466/81124, for the furnishing and installation of video conferencing equipment at the Public Safety Complex, from Video Corporation of America, 7 Veronica Avenue, Somerset, NJ 08875, at a total cost not to exceed \$21,081.00.

/s/ Kevin Dalina  
Councilman  
(Planning & Zoning Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-227**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to renew the CAD System software maintenance agreement with Queues Enforth Development (QED), 92 Montvale Ave., Suite 4350, Stoneham, MA 02180 (State Contract #T0109/A83889) at a total cost not to exceed \$26,556.00.

/s/ Kevin Dalina  
Councilman  
(Planning & Zoning Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-228**

**BE IT RESOLVED** that the proper borough officials are hereby authorized to sign a Collective Bargaining Agreement with the following:

- Sayreville P.B.A. Local #98 – Patrolmen;

and

**BE IT FURTHER RESOLVED** that the said contract shall be for a three (3) year period commencing January 1, 2018 to December 31, 2020 and that said Agreements shall be in accordance with the terms and Conditions of the "Memorandum of Agreement" dated Feb. 11, 2019.

/s/ Kevin Dalina, Councilman  
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

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**RESOLUTION #2019-229**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through NJPA Contract #041217-SFR, Automated Refuse Containers from Schaffer Systems International, Inc., 10021 Westlake Drive, Charlotte, NC, at a total cost not to exceed \$53,236.44.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-230**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase, through ESCNJ Contract #T18/19-25, one (1) John Deere 310SL Backhoe for the Borough of Sayreville, from Jesco, Inc. 118 St. Nicholas Ave., South Plainfield, NJ, at a total cost not to exceed \$118,659.42.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-231**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase through ESCNJ Contract #T17/18-30, one (1) Hoist and Tarp System for the Borough of Sayreville from American Roll-Off/Omaha Standard, Inc., PO Box 5757, Trenton, NJ 08638 at a total cost not to exceed \$45,191.83.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:** **BOROUGH OF SAYREVILLE**  
/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien  
Municipal Clerk Mayor

**RESOLUTION #2019-232**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase through NJPA/Sourcewell Contact #081716-PMC, two (2) Peterbilt 348 Dump Trucks for the Borough of Sayreville from Hunter Jersey Peterbilt 524 Monmouth Road, Clarksburg, NJ 08510 a total cost not to exceed \$272,400.00.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:** **BOROUGH OF SAYREVILLE**  
/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien  
Municipal Clerk Mayor

**RESOLUTION #2019-233**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to purchase through NJPA/Sourcewell Contact #081716-PMC, one (1) Peterbilt 520Side Loading Automated Refuse Truck for the Borough of Sayreville from Hunter Jersey Peterbilt 524 Monmouth Road, Clarksburg, NJ 08510 a total cost not to exceed \$287,931.69.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-234**

**BE IT AND IT IS HEREBY RESOLVED** that the Borough Engineer is hereby authorized and directed to continue with the ongoing remedial action activities as required by the NJDEP for Underground Storage Tank Removal Program at the Road Department Garage and First Aid Squad sites at a fee not to exceed \$136,500.00.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-235**

**WHEREAS**, on June 11, 2019 the Mayor and Council of the Borough of Sayreville received bids for the “2018 Roadway Paving & Reconstruction Project – Phase IV-Improvements to MacArthur Avenue”; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council on this 22<sup>nd</sup> day of July, 2019:

1. Contract for the “2018 Roadway Paving & Reconstruction Project – Phase IV-Improvements to MacArthur Avenue” be awarded to Z Brothers Concrete Contractors, Inc. of Sayreville, NJ on their bid price of \$1,172,637.06 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities, approval of a Bond Ordinance amendment and the concurrence of the award of the contract by the New Jersey Dept. of Transportation.

2. This resolution shall take effect immediately, upon execution of the proper documents.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O’Brien  
Mayor

**RESOLUTION 2019-236**

**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: 2018 Roadway Paving and Reconstruction Project – Phase I Project
- Contractor: JADS Construction of New Jersey  
PO Box 513  
South River, NJ 08882
- Net Decrease: \$42,896.30
- 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:

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

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-237**

**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: 2018 Roadway Paving and Reconstruction Project – Phase I Project
- Contractor: JADS Construction of New Jersey  
PO Box 513  
South River, NJ 08882
- Balance Due \$7,235.47

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

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

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

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.

2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.

3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$54,266.06 and the approval of same as to form and sufficiency by the Borough Attorney.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION 2019-238**

**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. 2:

- Project: 2017 Roadway Paving and Reconstruction Project – Phase I
- Contractor: Green Construction, Inc.  
PO Box 550  
South River, NJ 08882
- Net Increase: \$148,500.00
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

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

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

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Borough Attorney

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

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2019-239**  
**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: 2017 Roadway Paving and Reconstruction Project – Phase I
- Contractor: Green Construction, Inc.  
PO Box 550  
South River, NJ 08882
- Balance Due \$29,283.04

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

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

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

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a six-month 15% Maintenance Bond in the amount of \$219,622.81 and the approval of same as to form and sufficiency by the Borough Attorney.



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**RESOLUTION 2019-241**

**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:** Briana Cortez  
Hai Loung  
Alexander Martins

**POSITION:** Police Officers

**DEPARTMENT:** Police Department

**EFFECTIVE:** August 5, 2019

**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/ Kevin Dalina  
Kevin Dalina, Councilman  
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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

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

At this time Mayor O'Brien opened the meeting to the public for questions or comments on Resolution #2019-241. There were no appearances and the Mayor called for a motion.

Councilwoman Novak moved the Public Portion be closed and the Resolution be adopted on Roll Call Vote. Seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill. All Ayes.

**READ IN FULL**

**RESOLUTION # 2019-242**  
**A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE  
OF A SPECIAL EVENT PERMIT TO DARUL ARQAM SCHOOL  
TO HOLD A PRAYER SERVICE**

**WHEREAS**, Darul Arqam School has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a prayer service at Kennedy Park on August 11, 2019; 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

**WHEREAS**, the Darul Arqum School must notify the Sayreville Police Department, the Department of Public Works, the Recreation Department and the Sayreville Emergency Squad seven (7) days prior to the event; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that Darul Arqam School is hereby granted permission to hold this Special Event and that a permit be issued for a prayer service to be conducted on August 11, 2019 from 8:00 A.M. – 2:00 P.M. at Kennedy Park and that any associated services through the Department of Public Works or Police Department in which fees have incurred will be billed at a later date after the event.

/s/ Damon Enriquez, Councilman  
(Recreation Committee)

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**BOROUGH OF SAYREVILLE:**

/s/ Kennedy O'Brien  
Mayor

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

At this time Mayor O'Brien opened the meeting to the public for questions or comments on Resolution #2019-242. There were no appearances and the Mayor called for a motion.

Councilwoman Novak moved the Public Portion be closed and the Resolution be adopted on Roll Call Vote. Motion was seconded by Councilman Dalina.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill. All Ayes.

**RESOLUTION #2019-243**  
**RESOLUTION OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR THE ACQUISITION AND INSTALLATION OF A CIRCULATION DESK, REFERENCE DESK AND STORAGE UNIT FOR THE LIBRARY FROM THE PROCEEDS OF FEDERALLY TAX-EXEMPT BONDS AND/OR BOND ANTICIPATION NOTES**

**WHEREAS**, the Borough of Sayreville (the "Borough"), in the County of Middlesex, State of New Jersey, plans to acquire and install a circulation desk, reference desk, and storage unit for the Borough's public library (the "Project"); and

**WHEREAS**, the Borough plans to expend monies for the Project prior to issuance of any Obligations (as hereinafter defined); and

**WHEREAS**, the Borough intends to finance the Project through the issuance of Bonds and/or Bond Anticipation Notes of the Borough (collectively, the "Obligations") but will pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Obligations with funds of the Borough that are not borrowed funds; and

**WHEREAS**, the Borough reasonably anticipates that the Obligations, the interest on which is expected to be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued to finance the Project; and

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**WHEREAS**, the Borough desires to preserve its right to treat all or a portion of proceeds of the Obligations to the reimbursement of Project Costs paid prior to the issuance of the Obligations as an expenditure for such Project Costs to be reimbursed for purposes of the Code.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Sayreville, in the County of Middlesex, State of New Jersey as follows:

**Section 1.** The Borough reasonably expects to reimburse its expenditures for Project Costs paid prior to the issuance of the Obligations with proceeds of the Obligations.

**Section 2.** This resolution is a declaration of the Borough's official intent to reimburse the expenditures for Project Costs paid by the Borough prior to the issuance of the Obligations with the proceeds of such Obligations, in accordance with Treasury Regulation §150-2.

**Section 3.** The maximum principal amount of the Obligations expected to be utilized to reimburse the Borough for expenditures for Project Costs shall not to exceed \$35,000.

**Section 4.** The expenditures for Project Costs to be reimbursed with the proceeds of the Obligations will be "capital expenditures" in accordance with the meaning of the Code.

**Section 5.** No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Obligations used to reimburse the Borough for capital expenditures related to the Project, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Obligations or another issue of obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

**Section 6.** All reimbursement allocations will occur not later than 18 months after the later of (i) the date of the expenditure of Project Costs from a source other than the Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**Section 7.** This resolution shall take effect immediately.

/s/ Dave McGill, Councilman  
(Administration & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont  
Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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

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

At this time Mayor O'Brien opened the meeting to the public for questions or comments on Resolution #2019-243. There were no appearances and the Mayor called for a motion.

Councilwoman Novak moved the Public Portion be closed and the Resolution be adopted on Roll Call Vote. Seconded by Councilman Enriquez.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Kilpatrick, McGill. All Ayes.

➤ **BOROUGH ATTORNEY - Michael DuPont - None**

➤ **BOROUGH ENGINEER - Jay Cornell - None**

• **PUBLIC PORTION & ADJOURNMENT**

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

Those appearing were:

- Jim Robinson, 11 Borelle Square

Commented on the Veterans that appeared here tonight practicing democracy.

Stated that he had no problem with the Mayor meeting with Mr. Mocco, but if an agreement is to be signed it should be prepared by our Attorney.

He spoke about Ordinance 464-19 – the Ordinance that provides for the purchase of approx. 4 ½ Acres that was previously subject to the COAH Litigation and will now become part of Kennedy Park and purchased through Open Space Funding.

- Ruth Mahoney, 2 Gerard Place.

Said thank you for the purchase of Open Space.

- Fred Block 25 Calliope Road

Spoke about the basketball court matter and funding.

Spoke about how bad the streets are in town especially those in Tangletown.

Matter addressed by the Borough Engineer regarding a trench drain on French Street which has been a problem for years and the borough has been attempting to re-do the roadway but the borough needs to obtain easements.

He wanted to further clarify the issue regarding the Mayor's agreement with Mr. Mocco. He understood that this is nothing official until it get approved by the Council.

The Mayor stated that if the Council accepts it, it is done. If they don't accept it, it is like it never happened. The Mayor gave further details as previously discussed regarding the property - Mr. Mocco said has that the borough could use it to further the Main Street By-Pass and he gave us the Right of Way. Matter was further discussed by Councilwoman Kilpatrick stating her dismay regarding his signing of this agreement.

Mr. Block then addressed a water issue in town and asked what has been done to correct the issue.

Councilwoman Kilpatrick stated that when she was appointed Chairperson of Water & Sewer Committee in January she toured our Water and Sewer Facility and expressed that it was quite an impressive facility. She was then informed that she was the only Councilmember to ever tour the facility. She said that since her appointment she has made improvements within the department such as personnel and security. The collection, distribution and treatment is running at or above State requirements and filtration information. We now have the new solar field at our Duhernal water station. She said that she could not speak on past Council Water & Sewer Committee members.

- Thomas Desimone, 13 Gardner Place, Parlin

Expressed his concerns about the property discussed here tonight being contaminated stating this should be cleaned up before hand.

His concerns were addressed by Councilwoman Kilpatrick and the Mayor.

The engineer stated that the State Dept. of Env. Protection would get involved whether there is any contamination and they'll have studies done on the limits of the contamination and they will make the property owner hire a professional to conduct studies and make recommendations on how the property can be cleaned up and it is all coordinated through the State.

- Arthur Rittenhouse, 33 Delikat Lane, Main St. Townhomes.

He addressed the concerns about contamination on that piece of property a few years ago when he was Councilman and their posting of a sign.

Mr. Rittenhouse brought up the agreement and the signatures it contained and who knew about it.

He said that as Chairman of the By-Pass Committee he felt it was a good agreement because this would help

Further expressed concerns about the purchase of Open Space property from Mr. Kaplan in Ordinance #464-19 and whether or not that property is polluted from the rail line.

Mayor stated that a Phase I Environmental Study was performed and it came back relatively negative. He said that the property is land locked by the railroads and Mr. Kaplan could not provide a right of way and recently was able to locate his right of way from the rail road and the proper thing now is for us to perform a Phase II Environmental test on the property and determine if it is contaminated and if so to what extent and probable costs. Mayor then questioned if the Borough was allowed to purchase contaminated property with Open Space Funds.

He indicated that in the meeting he had with Mr. Mocco he asked what he intended to do with the North East portion of his property and Mr. Mocco wanted to develop that into a transit village with apartments and retail space.

Discussion between the Council and the Mayor about the purchase of the Open Space property.

Mr. Rittenhouse went on to talk about the Fulton's Landing property and the Engineer stated that they put the property owner on notice now that the borough has approved the redevelopment plan so as he may have been exempt from borough ordinances in the past but now he is required to comply with borough ordinances. He said that at this point he does not believe he is bringing any soil onto the property.

Mr. Rittenhouse commented about the soil testing. He also talked about the Shade Tree Commission not receiving the Tree Bank and Financial Reports on a monthly basis. Mayor asked the CFO to be sure they receive the reports.

Jim Robinson, 11 Borelle Square.

Asked what the 40 Acres the Mr. Mocco owns behind Kennedy Park was zoned as.

The Engineer indicated that that was a PRIME Zone. He said that a transit village is not permissible in a PRIME Zone.

Mr. Robinson then asked the Engineer what the Phase I Environmental study indicate on the

4.5 Acres we are purchasing.

Mr. Cornell said that the Phase I indicated that there were some potential areas of concern.

Which had to deal with historic fill on the property and possibly some contamination caused by the adjacent railroad.

Mr. Robinson then questioned the property on Ernston Road and if there was any contamination on that property or the Kay property by the NL Site where housing will be built.

Councilwoman Kilpatrick responded that whenever there is a residential component being built that they have to meet with environmental standards.

No further questions or comments. Councilwoman Novak moved the public portion be closed. Seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes.

### **ADJOURNMENT**

No further business, Councilwoman Novak moved to adjourn. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all ayes.

Time: 10:13 P.M.

Respectfully submitted,

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Theresa A. Farbaniec, RMC  
Municipal Clerk

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