

Council President Buchanan called the Council meeting to order at 7:00 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Borough Clerk Farbaniec announced that this August 19, 2019, 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 Buchanan, Dalina (via telecommunication), Enriquez, Kilpatrick, McGill, Novak.

Absent: Kennedy O'Brien, Mayor

Others Present: 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:**

Councilman Buchanan moved the following minutes be approved, subject to correction if necessary:

- ☒ April 16, 2019 - Special Meeting & Executive Session
- ☒ June 24, 2019 - Agenda Session
- ☒ July 9, 2019 - Receipt of Bids (Duhernal Well Maintenance & Redevelopment Services)
- ☒ July 10, 2019 - Special Meeting
- ☒ July 16, 2019 - Receipt of Bids (2018 Roadway Paving & Reconstruction – Phase III)
- ☒ July 22, 2019 - Special Meeting & Executive Session
- ☒ July 22, 2019 - Regular & Agenda Session

Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, (abstained from voting on July 10 & July 22nd meetings as he was not present), Novak, Dalina, Enriquez, Kilpatrick, McGill, all Ayes.

- **Proclamation:**

- . **PROCLAMATION & PRESENTATIONS –**

- Proclamation Supporting the Drive Sober or Get Pulled Over 2019 Statewide Crackdown from August 16, 2019 – September 2, 2019

Council President Buchanan asked the Clerk to read the Proclamation.

Proclamation

Drive Sober or Get Pulled Over 2019 Statewide Crackdown

Whereas, approximately one-third of all fatal traffic crashes in the United States involve impaired drivers; and

Whereas, impaired driving crashes killed 10,874 people in the United States in 2017; and

Whereas, impaired driving crashes cost the United States almost \$44 Billion a year; and

Whereas, during the past five years New Jersey's roadways experienced 36,778 crashes and 679 fatalities involving impaired drivers; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2019 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 16 through September 2, 2019; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be is resolved that the Borough of Sayreville declares it's support for the *Drive Sober or Get Pulled Over 2019 Statewide Crackdown* from August 16 through September 2, 2019 and pledges to increase awareness of the dangers of drinking and driving.



IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 19th day of August, 2019.

/s/ Daniel Buchanan, Council President

Council President Buchanan moved the Proclamation be approved.
Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION** – None
- **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

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

The clerk announced the heading for Public Hearing on Ordinance #461-19.

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

Council President Buchanan opened the meeting to the public for questions or comments on Ordinance #461-19.

There were no appearances.

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

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

BOND 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

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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$800,000, which sum includes a down payment for said improvements or purposes in the amount of \$40,000 required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$800,000 appropriation not provided for by application hereunder of the \$40,000 down payment, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not exceeding \$760,000 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for which said bonds or notes are to be issued are for various capital improvements in and for the Borough, including, but not limited to, improvements to the Senior Center and to the Library, technology improvements, and drainage improvements. Such improvements or purposes are to include, but are not limited to, as applicable, all necessary related improvements, engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications on file in the Office of the Clerk of the Borough and available for public inspection.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$760,000.

(c) The estimated cost of said improvements or purposes is \$800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$40,000 available for such improvements or purposes.

SECTION 4. 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 hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, 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. 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 hereof, 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 4 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 5. All bond anticipation notes issued hereunder 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 this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued

hereunder may be renewed from time to time in accordance with the provisions of 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 this bond ordinance 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 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.58 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$760,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$234,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. 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 this bond ordinance.

SECTION 11. 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 herein, 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 herein, 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.

AUGUST 19, 2019
REGULAR MEETING

SECTION 12. 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.

ADOPTED ON FIRST READING

DATED: July 22, 2019

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

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

ADOPTED ON SECOND READING

DATED: August 19, 2019

/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 23rd DAY OF August, 2019.

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

APPROVED AS TO FORM:

/s/MICHAEL DUPONT, ESQ.
Borough Attorney

The clerk announced the heading for Public Hearing on Ordinance #463-19.

Council President Buchanan opened the meeting to the public on Ordinance #463-19.

There were no appearances. 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, Buchanan, Dalina, Enriquez, Kilpatrick, Novak.

Nays: None. Carried.

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**

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

Section 1. The following annual salaries be and the same are here established for the following Borough Officials, officers and employees and made part of Appendix 1 of Ordinance #435-19 and made part hereof.

- Assistant to IT Director - Stipend \$1,500.00, effective September 1, 2019

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as required by law.

/s/ Dave McGill, Councilman
(Admin. & Finance Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

The clerk announced the heading for Public Hearing on Ordinance #464-19.

Council President Buchanan opened the meeting to the public on Ordinance #464-19.

Those appearing were:

- Jim Robinson, 11 Borelle Square

He commented in favor of the purchase of this property from K-Land. He said that the agreement provides a provision that if the property is contaminated that Kaplan, the seller, would have to remediate.

He also said that this property is not on the list of DEP contaminated site, in this area. He mentioned that this property was zoned PRIME Zone in the 1980's. Thanked the Council and Attorney for bringing this matter far. He thanked Mr. Kaplan for agreeing to the settlement.

- Arthur Rittenhouse, 33 Delikat Lane

He said that his concern was to have the property tested, but that does not seem to be the case in this purchase.

- Ruth Mahoney, 2 Gerard Place

She encouraged the Council to pass this ordinance that this purchase was very important to this town to keep some open space.

- Rea Carroll, 3 Borelle Square

She thanked everyone for all the work in order for the Borough to purchase this property as Open Space.

No further questions or comments, Council President Buchanan called for a Motion.

Councilwoman Novak moved the public hearing be closed Ordinance adopted on Second and final reading and advertised according to law. Motion was seconded by Councilwoman Kilpatrick.

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

ORDINANCE NO. 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 4.54 ACRES, FROM K-LAND CORP. ("SELLER") FOR THE PURCHASE PRICE OF \$1,430,000.00 FROM THE BOROUGH'S OPEN SPACE TRUST FUND.

WHEREAS, the Borough Council of the Borough of Sayreville (“Borough”) in furtherance of the Borough’s goal of providing open space and recreation has agreed to acquire the hereinafter described property for the purchase price of \$1,430,000.00.

- Block 367.01, Lot 1
- Purchase Price: \$1,430,000.00
- Seller: K-Land Corp.
- Total Acres to be acquired 4.54

WHEREAS, pursuant to N.J.S.A. 40A:12-5 *et seq.* and other statutes referenced in Section II below, the Borough may, through authority granted by an ordinance, acquire private property for a public use through gift, purchase, or condemnation; and

WHEREAS, the Borough Council has determined that the acquisition of the Property described above will advance the Borough’s goals of providing adequate passive open space and recreational opportunities; and

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

SECTION I. Purpose. The purpose of this ordinance is to authorize the acquisition of the Property described herein.

SECTION II. The Borough is empowered by N.J.S.A. 40A:12-5(a)(1) and (2) to acquire real property by, among other things, purchase of condemnation subject to lawful conditions, restrictions or limitations as to its use, as well as N.J.S.A. 40:61-1, which provides that a municipality may acquire real property by “purchase or condemnation” for “open spaces”. Other enabling statutes permit the Borough to acquire property for preservation of open spaces and conservation of natural resources. *See, e.g.*, the New Jersey Green Acres Land Acquisition Act of 1961, L. 1961, c. 45, N.J.S.A. 13:8A-1 to -18; the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 to -42; and the Municipal Trust Fund Act, N.J.S.A. 40:12-15.1 to -15.9. The manner of the acquisition by means of purchase or condemnation for open space and conservation purposes shall be in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 *et seq.*

SECTION III. This Ordinance authorizes the acquisition by the Borough of the property known as 367.01, Lot 1 consisting of approximately 4.54 acres as shown on the Sayreville Borough Map by means of condemnation or negotiation pursuant to N.J.S.A. 20:3-1 *et seq.* for the purpose of preservation of open spaces and conservation of natural resources authorized by the statutes referenced in Section II above.

SECTION IV. This Ordinance implements the attached agreement with K-Land Corp. in an action entitled In the Matter of the Application of the Borough of Sayreville, County of Middlesex, Docket No. MID-L-4010-15.

SECTION V. This Ordinance is conditioned upon clean title, the Seller’s representations and acknowledgements in the Environmental Addendum to Settlement Agreement for Open Space Acquisition dated October 11, 2018 (“Environmental Addendum”) and any and all conditions outlined in the Conditional Order of Judgment of Compliance and Repose entered on December 20, 2018 by the Honorable Thomas D. McCloskey, J.S.C., as well as the Borough Council’s prior approval of the Environmental Addendum by Resolution 2018-348 adopted on October 9, 2018.

SECTION VI. This Ordinance is also conditioned upon Seller receiving, filing and recording an Easement of Access from Conrail and assigning that Easement of Access to the Borough.

SECTION VII. This Ordinance is additionally conditioned upon the Borough’s reservation of the right and ability to seek any and all environmental clean-up costs from the Seller in accordance with applicable environmental laws, including but not limited to, the New Jersey Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.50. The Ordinance is further conditioned on the recordation of the Environmental Addendum as part of the Deed from the Seller to the Borough, it being the intent that the provisions of the Environmental Addendum run with the land.

SECTION VIII. Pursuant to N.J.S.A. 40A:12-1 *et seq.*, and the other statutes authorizing open space condemnation referenced in Section II above, the Borough Attorney of Sayreville Borough, Mayor and the Administrator are authorized and directed to undertake any actions and execute any documents necessary or appropriate to acquire the Property.

SECTION IX. Should any section, paragraph, sentence or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared severable.

SECTION X. This ordinance shall become effective immediately upon passage and publication, according to the law and certification by the Chief Financial Officer of the availability of funds for the acquisition described herein.

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/ Kevin Dalina, Councilman
Planning & Zoning Committee

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

• **NEW BUSINESS:**

- a) Supplemental Debt Statement as of August 19, 2019
Clerk announced having received the Supplemental Debt Statement from CFO Denise Biancamano as of August 19, 2019.

Council President Buchanan moved the Supplemental Debt Statement be received and filed. Seconded by Councilwoman Novak.
Roll Call: Voice Vote, all ayes.

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

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 \$910,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$865,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

(Admin. & Finance – Co. McGill Public Hearing 9-9-19)

Councilman McGill moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on September 9, 2019. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #466-19
**BOND ORDINANCE PROVIDING FOR THE
REHABILITATION OF DUHERNAL WELL BY AND IN THE
BOROUGH OF SAYREVILLE, IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING
\$1,300,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,300,000 BONDS OR NOTES OF THE
WATER UTILITY OF THE BOROUGH TO FINANCE THE
COSTS THEREOF**

(Admin. & Finance – Co. McGill Public Hearing 9-9-19)

Councilman McGill moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on September 9, 2019. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #467-19
**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD
SECTION 13-17 STIPEND FOR FIRE CHIEF SERVICE AWARD**

(Public Safety – Co. Buchanan, Public Hearing 9-9-19)

Council President Buchanan moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on September 9, 2019. Motion was seconded by Councilwoman Kilpatrick.

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

CONSENT AGENDA RESOLUTIONS

Mayor O'Brien asked the Council if they have any questions or comments on the Consent Agenda Resolutions.

Mayor opened the meeting for any questions or comments on **Consent Agenda Resolutions.**

There were no appearances the Mayor called for a motion to close the public portion.

Council President Buchanan made a motion to close the Public Portion and adopt the Consent Agenda Resolutions. Seconded by Councilwoman Kilpatrick.

He asked that the RFP for Emergency Medical Services not be advertised until such time that the squads have a chance to review. Agreed.

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

RESOLUTION #2019-244

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.

Absent

Kennedy O'Brien, Mayor

/s/Daniel Buchanan
Councilman

/s/ Victoria Kilpatrick
Councilwoman

/s/ Kevin Dalina
Councilman

/s/ Dave McGill
Councilman

/s/ Damon Enriquez
Councilman

/s/ Mary 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 DuPont
Borough Attorney

Bill list of August 19, 2019 in the amount of \$12,620,144.99 in a separate Bill List File for 2019 (See Appendix Bill List 2019-A for this date).

RESOLUTION #2019-245

BE IT RESOLVED that the persons listed on "Attachment A" are hereby appointed, in accordance with N.J.S.A. 40A:9-154.1 to the following title and department:

POSITION: School Traffic Guards

DEPARTMENT: Police

EFFECTIVE: September 1, 2018 through August 31, 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 Department of Personnel.

/s/ Daniel Buchanan, 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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-246

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to extend the contract with Legacy Riding Stables, Inc., Piscataway, NJ for Horseback Riding and Related Concession Services on premises known as Julian Capik Nature Preserve and Wellfields.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-247

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING
THE BOROUGH OF SAYREVILLE TO SUBMIT THE
2019 ANNUAL ACTION PLAN TO HUD**

WHEREAS, the CDBG Committee proposes to use the 2019 allocation of \$225,183 from HUD for the following purposes:

- MacArthur Ave. Reconstruction \$207,683.
- Literacy Program \$ 2,500.
- Program Administration \$ 15,000.

; and

WHEREAS, the Governing Body of the Borough of Sayreville has reviewed the plan and has agreed that it is the best and highest use of the available funds; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Governing Body of the Borough of Sayreville authorizes the CDBG Coordinator to submit the 2019 Annual Action Plan to HUD as soon as convenient.

/s/ David McGill, Councilman
(Admin. & Finance Committee)

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-248

BE IT RESOLVED that the proper Borough officials are hereby authorized to Replace the purchase of two (2) Dodge Durango trucks as authorized in Resolution #2019-225 with the purchase of two (2) 2020 Ford Escape trucks for the Borough of Sayreville, Code Enforcement Department, from Beyer Ford, 200 Ridgedale Ave., Morristown, NJ 07960 and that the purchase be made through ESCNJ Contract #17/18-21, at a total cost not to exceed \$47,306.76.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-249

BE IT AND IT IS HEREBY RESOLVED that the proper Borough officials are hereby authorized to appoint a Grant Writer in order to pursue a grant in the amount of \$100,000.00 to be used for Utility/Lite Rescue through FEMA AFG in an amount not to exceed \$3,000.00.

/s/ Daniel Buchanan, 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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-250

BE IT AND IT IS HEREBY RESOLVED, that the Qualified Purchasing Agent is hereby authorized and directed to advertise for the receipt of bids for Furnishing and Installation of Unimac, or equivalent washers and dryers.

/s/Daniel Buchanan, 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 Council President’s signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-251

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase through ESCNJ Contract #17/18-21, seven (7) 2019 Chevy Tahoe PPV and one (1) 2020 Chevy Tahoe SSV for the Borough of Sayreville, Police Department, from Mall Chevrolet, 75 Haddonfield Rd., Cherry Hill, NJ 08002, at a total cost not to exceed \$299,010.00.

/s/Daniel Buchanan, 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 Council President’s signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-252

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase emergency lighting and security equipment, accessories and installation from East Coast Emergency Lighting, Inc., 1200 Meco Drive, Millstone Twp., NJ 08535, through State Contracts 17-Fleet-00761, 17-Fleet-00719, and 17-Fleet-00768 at a total cost not to exceed \$132,909.76.

Daniel Buchanan, 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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-253

BE IT RESOLVED that the proper Borough officials are hereby authorized to Award a Contract to Refurbish Fuel Tanks at the Public Safety Complex to R.J. Walsh Associates, Inc., P.O. Box 119, Allentown, NJ 08501, through State Contract T-0849/A42268 at a total cost not to exceed \$30,681.43.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-254

WHEREAS, Shiv Akshar, LLC is the holder of Plenary Retail Consumption License #1219-33-031-005 in the Borough of Sayreville; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2018/2019 license term and another verified petition requesting authorization for the 2019/20 and 2020/21 license terms; and

WHEREAS, on October 23, 2017 David P. Rible, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 10-11-1266 covering the **2017/2018 and 2018/2019 license term**; and

WHEREAS, on July 10, 2019 James B. Graziano, Acting Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 17-19-416 covering the **2019/2020 and 2020/2021 license term**; and

WHEREAS, the said Special Rulings of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the **2018/2019 and 2019/2020 license terms** and to grant or deny said application in the reasonable exercise of its discretion;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Council do hereby grant the renewal of Plenary Retail Consumption License No. 1219-33-031-005 to the licensee for the **2018/2019 and 2019/2020 license terms**, pursuant to special conditions as contained in the Special Ruling issued by the said Directors of the State Division of Alcoholic Beverage Control issued on the dates noted above.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately and/or as required by law.

/s/Dave McGill, Councilman
(Admin. & Finance Committee)

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-255

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>
Furino & Sons, Inc.	1 Construction Office Trailer	Block 14, Lot 4.02 601 Jernee Mill Rd.

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

AUGUST 19, 2019
REGULAR MEETING

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)

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-256

WHEREAS, Gillette Towers has posted a Cash Bond in the amount of \$57,224.92 and a Letter of Credit in the amount of \$515,024.28 covering Block 330.04, Lot 1.01, 100 Kennedy Drive; and

WHEREAS, Gillette Towers has been sold and has been purchased by AMS LLC and a new Letter of Credit and Performance Bond has been posted and approved by the appropriate Borough Official.

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release said bond and letter of credit in the amounts so stated.

/s/ David McGill, Councilman
(Admin. & Finance Committee)

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-257

**RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR THE
PURCHASE OF LEAF BAGS**

WHEREAS, the Borough of Sayreville has a need to purchase leaf bags through a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is less than one year; and

WHEREAS, Pabco Industries LLC of Newark, NJ has indicated they will provide leaf bags for the Borough of Sayreville; and

WHEREAS, Pabco Industries LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Pabco Industries LLC has not made any reportable contributions to a political or candidate committee in the Borough of Sayreville in the previous one year, and that the contract will prohibit Pabco Industries LLC from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville authorizes the Purchasing Agent to enter into a contract with Pabco Industries LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-258

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to extend the contract with American Recycling Technologies, Great Neck, NY for Textile Collection for a two year term.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-259

WHEREAS, on September 12, 2016 the Borough of Sayreville awarded a three year contract for "Snow Plowing and Services" to B & W Construction.; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for a two-year period at no additional increase in price contained therein; and

WHEREAS, B & W Construction, has indicated their interest in extending their terms of the aforesaid contract for two (2) additional years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Snow Plowing and Services" is hereby renewed for two additional years at no additional increase in price.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-260

BE IT AND IT IS HEREBY RESOLVED, that the proper Borough officials are hereby authorized and directed to execute a continuation agreement with Tom's Ford of Keyport, NJ in order for the Borough to continue to purchase Fords parts and services from Tom's Ford of Keyport, NJ through NJPA/Sourcewell contract #061015-FMC for one additional year.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-261

BE IT AND IT IS HEREBY RESOLVED that the Borough Architect is hereby authorized and directed to complete design work for the DPW Garage Extension at a fee not to exceed \$20,000.00.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-262

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase through NJ State Contract #T-2100/A88727, one (1) 2019 Ford F-250 for the Borough of Sayreville, Public Works Department, from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960, at a total cost not to exceed \$27,528.00.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-263

BE IT AND IT IS HEREBY RESOLVED that the Borough of Sayreville hereby grants a waiver of all municipal fees associated with Special Event Permits and Food Handlers permits for Sayreville Day on September 14, 2019 and the Blast from the Past Car Show on September 15, 2019.

BE IT FURTHER RESOLVED that the fee shall be \$150.00 for Sayreville Day and \$50.00 for the Blast from the Past event.

AUGUST 19, 2019
REGULAR MEETING

BE IT FURTHER RESOLVED this action does not eliminate the requirement for each vendor to file the necessary applications and obtain permits from the Board of Health and the Municipal Clerk.

BE IT FURTHER RESOLVED that the Recreation Department must supply the Board of Health, Municipal Clerk and the Police Chief with a list of all vendors in order to insure that the proper permits are obtained from their respective departments, if necessary.

/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 Council President's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Daniel Buchanan,
Council President

RESOLUTION #2019-264

BE IT AND IT IS HEREBY RESOLVED, that the Qualified Purchasing Agent is hereby authorized and directed to advertise for the receipt of bids for Hydrated Lime.

/s/Victoria Kilpatrick, Councilwoman
(Water & Sewer Committee)

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

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Daniel Buchanan,
Council President

RESOLUTION #2019-265

WHEREAS, Middlesex County Engineering Department has contracted with Naik Consulting Group, PC to provide engineering services to Middlesex County Engineering Department regarding the Milling and Paving and Removal of Old Trolley Ties and Ballast on Main Street between Brookside Avenue and Burnett Avenue; and

WHEREAS, in order for the project to be completed Naik Consulting Group, PC has proposed certain alternating traffic and detour plans called the Traffic Control Plans; and

WHEREAS, the Traffic Control Plans have been reviewed and approved by Sgt. Braile of the Sayreville Police Department; and

BE IT AND IT IS HEREBY RESOLVED that the Governing Body of the Borough of Sayreville accepts the Plans and Specifications as prepared by Naik Consulting Group, PC and the Borough Clerk shall forward a certified copy of this Resolution to the Middlesex County Engineering Department.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION READ IN FULL

RESOLUTION #2019-266

TAX ABATEMENT RESOLUTION

WHEREAS, Community Investment Strategies, Inc. (hereinafter referred to as the "Sponsor") proposes to construct a ±88 unit affordable housing project including one unrestricted superintendent unit (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of the Borough of Sayreville (hereinafter referred to as the "Municipality") on a site described as Block 175, Lot 10.01 as shown on the Official Assessment Map of the Borough of Sayreville, Middlesex County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project may or will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and the New Jersey Housing and Mortgage Finance Agency Special Needs Housing Trust Program; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sayreville (the "Council") that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need as determined by the Court;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements

with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

- (3) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and
- (4) The Council hereby authorizes and directs the Mayor of the Borough of Sayreville to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

David McGill, Councilman
(Admin. & Finance Committee)

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

READ IN FULL

RESOLUTION #2019 -267

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY REJECTING THE BID OF
MBT CONTRACTING AND M & N CONTRACTING SERVICES AS
UNRESPONSIVE AND AWARDDING A CONTRACT TO
CIRCLE 3 OF VENTNOR CITY FOR WATERPROOFING
UPGRADES TO THE BOROUGH HALL**

WHEREAS, the Governing Body of the Borough of Sayreville advertised for bids for the Borough Hall Waterproofing Project; and

WHEREAS, bids were received as of May 21, 2019, and after reviewing the bids received, it was determined that the bid of the lowest bidder, MBT Contracting, and second lowest bidder, M & N Contracting Services must be rejected as non-responsive; and

WHEREAS, Borough Officials have determined that the third lowest bidder, Circle 3 of Ventnor City presented an acceptable bid with only minor irregularities; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED the Governing Body of the Borough of Sayreville awards a contract to Circle 3 of Ventnor City for waterproofing upgrades to the Borough Hall in the amount of \$393,000.00.

/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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

At this time Council President Buchanan opened the meeting up to the public for Resolution #2019-267.

There were no appearances.

Councilwoman Novak moved the Public Portion be closed and the resolution be approved on roll call vote. Seconded by Councilwoman Kilpatrick.

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

READ IN FULL

RESOLUTION #2019-268
ASSIGNMENT AND AMENDMENT TO THE AGREEMENT WITH
CONSTELLATION ENERGY SERVICES, INC.

WHEREAS, on April 28, 2014 the Governing Body of the Borough of Sayreville adopted an ordinance formalizing its intent to commence the Governmental Energy Aggregation Program on behalf of all of the residential energy customers of the Municipality; and

WHEREAS, the Borough of Sayreville on July 28, 2015 issued a Request for Proposals (RFP) for a Third-Party Energy Supplier; and

WHEREAS, after an evaluation of the proposals received, the Borough entered into a written contract with Constellation Energy Services, Inc. Constellation Energy Services, Inc. now wishes to assign said contract to Constellation NewEnergy, Inc. and extend term of the contract to September 11, 2020; and

WHEREAS, the Governing Body of the Borough of Sayreville wishes to consent to the assignment of the contract to Constellation NewEnergy, Inc. and to extend said contract to September 11, 2020.

BE IT AND IT IS HEREBY RESOLVED that Council President Daniel Buchanan and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to accept the Assignment and Amendment to the Agreement for Provision of Energy Supply Services.

/s/ David McGill, Councilman
(Admin. & Finance Committee)

AUGUST 19, 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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

At this time Council President Buchanan opened the meeting up to the public for Resolution #2019-268.

Those appearing were:

- Arthur Rittenhouse, 33 Delikat Lane
He asked if they were going to re-enroll everyone that opted out the last time.
Mr. Frankel responded – No
Mr. Rittenhouse said that if you were opted out, you would remain opted out, and
Mr. Frankel said that was correct.

There being no further appearances, **Councilwoman Novak moved the Public Portion be closed and the resolution be approved on roll call vote. Seconded by Councilwoman Kilpatrick.**

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

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

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

● **PUBLIC PORTION & ADJOURNMENT**

At this time Council President Buchanan opened the meeting to the public for any questions or comments.

Those appearing were:

- Steve Melanaski, 28 Scarlett Drive
He questioned the surcharge/convenience fee for paying taxes or water via ACH, etc. He said that he was appalled that this was not announced or made known to the public. He asked the Council to revoke these fees.

The new billing system was explained by the Business Administrator. He apologized for not better educating the residents.

- Arthur Rittenhouse, 33 Delikat Lane
He asked if there was any update on the checking of the soil at the Fulton's Landing site. Council President Buchanan asked the Borough Attorney for a response. Mr. DuPont stated that he does not have that answer. He said that he has called Mr. Leher a few times and has not had a return call. He said that he would follow up again tomorrow and will have Mr. Frankel call him or he would call himself.

- Christine Smith Horn, 23 Patton Drive

She complained about the Captain of the Sayreville First Aid Squad. He had made a comment on June 20th at the St. Stan's Carnival, where he said "good luck if you need an ambulance", whereby he received a 14 day probation. She felt this was not sufficient. She asked that he be removed from the Squad.

Diane Horn, 23 Patton Drive

She said that the entire governing body received letters and she filed a police report against Mr. Ott. She said that he was privy to the letters the council received.

The Business Administrator stated that the Sayreville First Aid Squad has their own by-laws and they have a Board of Trustees and that is the board who hears and makes decisions on any of these matters.

She complained about his use of time and equipment. She said that a complaint was filed with a detective of the Sayreville Police Dept. She wants something more than just probation.

Mr. DuPont said that she had the right to bring the matter to the Board and that she would have the right to appeal any decision that the Board renders. He said that he is not sure where the Board was in the process. He said that he can sit and talk to her about the process.

Council President Buchanan further commented that two weeks ago this was brought before the Public Safety sub-committee and he requested that a letter go out to the EMS to find out the procedure, what they did and the results. He said that 30 days were given for them to respond and the committee still has not received a response. They are working through the process, just need more time.

- Joseph Horn, 23 Patton Drive

Member of Melrose Hose Co.

He said that not too long ago the Borough did have to discipline a member for a racial slur and that the member was removed. He felt that Mr. Ott has gotten away with way too much because someone is protecting him. He also asked that Co. Novak abstain from any vote or conversation about this matter.

He said that he has also been a member of this squad and that more members were thrown out or suspended for lesser infractions. He felt something more has to be done and the Council must step up.

Mr. DuPont said that there is a process and what he will do is speak with this gentlemen and the other two women and go over the process while we are waiting for a response from the Squad.

- Eugene Johnson, 360 E. Millstream Road, Cream Ridge

He said that he is a squad member and that most of the stuff mentioned he agrees with. He said that he was in the hospital with diabetes and he received 30 days probation. His partner also received 30 days probation when his grandmother turned 94. He talked about an issue that arose at the 4th of July celebration regarding a missing child and a comment made by Mr. Ott. He said that the squad was cited 11 times on PEOSH violations.

- Andrew Hochron, 55 Ridge Avenue

He said that he was kicked off the Sayreville Emergency Squad 6 months ago because of a Facebook Post. He spoke about the number of members who quit just before that post and about retaliations and other matters. He spoke further about his expulsion. He then commented on the various matters and issues of Kevin Ott. He is coming to the Borough for help.

- Eugene Johnson, 360 E. Millstream Road, Cream Ridge

Said that another member left on a call so he is speaking on his behalf. He spoke on another issue he brought to the Borough's HR's attention. He stated that for going out on major calls a member needs incident management credentials – ICS1 and ICS2. He said that he is a DFS Instructor in which he has offered instruction and qualification to the squad on numerous times. He also brought up an incident where the EMS boat was taken out without notifying Coast Guard, the State Police and need to be boat crew trained. He mentioned a few other calls that were unacceptable.

- Ruth Ann Mahoney, 2 Gerard Place

She spoke about No. Ernston Road and no / limited truck traffic when it comes to the warehouses. The pedestrian crossing is extremely dangerous and no changes have been made.

Alice Carter, 10 Gerard Place

Also spoke about the truck traffic on No. Ernston Road, and truck speed. She asked for a ban on tractor trailer traffic on North Ernston Road.

- Maria Carol, 3 Borelle Sq.

She agrees about the issue with truck traffic on Ernston Road. She has concerns for the children coming out of the High and Middle School.

- Barbara Burent, 42 Ivy Hill Road

She thanked the Council for purchasing the open space and agrees with the previous ladies regarding the truck traffic on North Ernston Road and respectfully asked the Council to consider having the trucks using the Main Street By-Pass instead of Ernston Road.

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: 7:51 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved: _____