

Mayor Kennedy O'Brien opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this September 26, 2016 Council Meeting has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Rittenhouse

Absent: Councilwoman Novak

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

Others Absent: None

- **APPROVAL OF PRIOR MINUTES OF THE MAYOR AND COUNCIL: None**

- **PRESENTATION:**

- **Library Director, Susan Kaplan and the Library Board of Trustees presented Rosina Schmitt with a Resolution commending her for volunteering her time teaching English as a second language at the Sayreville Library since 2009.**

- **Bob Smith, Water & Sewer Director/Superintendent read a report into record about the Borough of Sayreville's water quality as a result of the negative social media postings.**

- **OLD BUSINESS**

a) Clerk Farbaniec read the following two ordinances for Public Hearing:

ORDINANCE # 344-16
AN ORDINANCE AMENDING CHAPTER IX, "ANIMAL CONTROL",
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

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

9-8.11 Tethering of Animals

9-8.11.1 Definitions as Used in this Section

a) Tethering shall mean the restraining of an animal by the tying to any object or structure, including, without limitation, a house, tree, fence, post, garage, weight or shed, by any means, including, without limitation: rope, cord, leash or running line, but shall not include the use of a leash used to walk the animal or to forms of restraint used in the transportation of an animal;

9-8.11.2 Tethering of Dogs

a) It shall be unlawful for any person to tether, fasten, tie, restrain or cause an unattended dog to be fastened, tied or restraining to houses, trees, fences, garages, stakes or other stationary or highly immobile objects by means of a rope, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are satisfied:

1) The tethering is for a total of no more than seven (7) hours within a twenty-four (24) hour period, with a maximum of four (4) hours at any one (1) interval and a minimum one (1) hour period between confinements.

2) The tether is attached to the dog by a non-choke type collar, swivels at both ends and attached to the stationary object by anchors, latches or similar devices in a manner which the dog is able to move freely and prevents the tether from becoming entangled around the dog or any object so as to limit the dog's freedom within the tethered area or to prevent the dog or any of its appendages, from becoming entangled by the tether.

3) The tether shall be of a type commonly used for the size of the dog involved.

4) The construction of the tether shall be of a lightweight, yet durable material, shall not exceed twenty (20) percent of the animal's weight, and may not be thicker than one-eighth (1/8) inch. No dog shall be tethered by means of a choke-type, pinch-type, prong-type or improperly fitting collar. Tethers shall be affixed to dogs via appropriate collars and/or body harnesses.

5) The tether must be a minimum of fifteen (15) linear feet in length, less than six (6) feet above the ground, and shall remain tangle free.

6) The tethered dog has easy access to potable drinking water, edible food, dry ground, and adequate shade and/or shelter within the tethering area.

7) The tethering area shall be clean, clear of obstructions and/or debris and no less than 150 square feet per dog in total area.

8) The dog, whether used for companionship, hunting, farming, breeding, or is an otherwise working dog, is regularly monitored while tethered for the aforementioned period of time.

a) Chains shall be prohibited for use as a tethering device.

b) If there are multiple dogs, each dog shall be tethered separately and in such a manner that the tethers shall not become entangled with each other.

c) No dog shall be tethered within five (5) feet of another person's property, public thoroughfare, and/or right-of-way.

d) No dog shall be tethered at a vacant structure or premises for any purpose when it is not monitored by a competent adult who is present at the property for the duration of such tethering.

e) Dog that are not spayed or neutered shall not be tethered for any period of time.

f) No dog under the age of one (1) year or under twenty (20) pounds shall be tethered.

g) No dog that is sick or injured shall be tethered.

h) No dogs shall be tethered between the hours of 10:00 p.m. and 6:00 a.m.

9-8.11.3 Restrictions on Leaving Animals Outdoors.

(a) It shall be unlawful for any person to leave any animal outdoors and unattended for a continuous period of time greater than one-half (1/2) hour if the

National Weather Service has issued weather alerts or storm warning, or if the temperature during such period is either below 32° F. or above 85° F. The animal shall be considered outside regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.

(b) No animal shall be left outside during snow storms, ice storms or thunderstorms.

9-8.11.4 Collars.

(a) It shall be unlawful for any person to collar an animal with a choke-type collar, prong-type collar, pinch-type collar, or rope.

(b) The collar must be at least as large as the circumference of the animal's neck plus one (1) inch and cannot be constructed primarily of metal.

9-8.11.5 Prohibited Activities and Treatment.

(a) No owner, caretaker, guardian or handler shall withhold proper shelter, light, space, protection from weather, veterinary care, and/or immune care from any animal.

(b) No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient edible food and potable drinking water on a daily basis. Food and water must be in an animal food consumption or water consumption type container, feeder or waterer.

(c) No animal shall be subjected to unnecessary suffering or cruelty such as subjecting the animal to prolonged confinement, fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld.

(d) No animal shall be confined in a parked or standing vehicle or enclosed trailer for a period of fifteen (15) minutes or more when the temperature during such period is either below 32° F. or above 85° F.

9-8.11.6 Outdoor Animal Enclosures.

(a) Animals shall be provided access to an enclosure/structure which protects them against inclement weather, is water resistant and keeps them dry, provides shade from direct sunlight, and allows them to preserve a normal body temperature.

(b) Animals shall not be housed on a temporary or permanent basis in any enclosure/structure constructed of metal, unless adequately insulated from inclement weather.

(c) If there are multiple animals, each animal shall be provided with a separate enclosure/structure, except as provided for under this Chapter.

(d) Outdoor animal enclosures, including pens, doghouses, or other similar structures shall be soundly constructed, safely and properly positioned on a raised platform, and properly maintained. The top of the enclosure shall be covered to provide the animal with shade and protection from the elements. The floor of the enclosure shall be constructed in such a manner that it protects the animals feet and legs from injury.

(e) Pet Taxis, plastic carriers, boxes, vari-kennels or metal houses shall not be acceptable as adequate outdoor enclosures.

(f) Outside animal enclosure shall be no less than four (4) feet in height, no less than sixty-four (64) in square footage, and must allow for the animal to freely turn around, stand, sit, or lie in a normal position. The animal must be able to lie down while fully extended without the animals' head, tail, legs, face, or feet touching any side of the enclosure. The interior height of the enclosure shall be at least six (6) inches

higher than the head of the animal in the enclosure when it is in a normal standing position.

(g) Outdoor animal enclosures shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the structure. Bedding shall be maintained in a dry condition and renewed or changed as necessary.

(h) Outdoor animal enclosure shall be kept dry, clean, and free of animal waste.

9-8.11.7 Enforcement.

(a) In addition to imposing penalties set forth in this Chapter, and not withstanding other seizure and impounding Sections of this Chapter, any Officer or Agent authorized or empowered to enforce and perform any duty under this Chapter is hereby authorized to go upon any premises and seize for impounding any animal when such Officer reasonably believes that any provision of this Chapter has been violated, except upon the premises of the owner of the animal if the owner is present and forbids the entry of the Officer or Agent, then a warrant shall issue according to law at the request of such Officer or Agent.

(b) Prior to seizing any animal under this Article, such Officer or Agent shall provide written Notice to the owner, either in person or by posting such written Notice upon the premises of the nature of the violation, and such

(c) Notice shall contain an Order to bring the violation into compliance with twenty-four (24) hours of receipt of such notice.

9-8.11.8 Notice of Seizure and Impoundment.

(a) If an animal has been seized for impounding then the Officer or Agent shall notify the Municipal Health Officer immediately that he/she has seized and impounded the animal. If the identity of the owner is not known, then the Officer shall through a reasonable effort attempt to determine the identity of the owner of any animal seized and impounded pursuant to Section. If its owner cannot be identified within fourteen (14) days, then that animal shall be made available for adoption.

(b) Any owner of any animal removed under this Article may regain possession of the animal within fourteen (14) days upon an adequate showing to the confiscating Officer or Agent that the violation has been brought into compliance. Should an owner fail to adequately show that the violation has not been brought into compliance within fourteen (14) days, then said animal shall be made available for adoption.

9-8.11.9 Penalties.

(a) The owner of a seized animal who is found by clear and convincing evidence to have violated this Article, or any rule or regulation adopted pursuant thereto, or to have failed to comply with a Court's order shall be subject to a fine of not less than Two Hundred (\$250.00) Dollars nor more than One Thousand (\$1,000.00) Dollars per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation.

(b) Any fines or penalties imposed under this Article shall be in addition to and not in lieu of any fines or penalties set forth in this Chapter or pursuant to any other applicable law.

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

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 9, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect such change; and

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/ Steven Grillo, Councilman
(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 O'Brien opened the meeting to the public for questions or comments on Ordinance #344-16.

There being none, Councilman Grillo moved the Public Hearing be closed the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Council President Buchanan.

Roll Call: Councilpersons Grillo, Buchanan, Kilpatrick, Lembo, Rittenhouse, all Ayes. Carried.

- Public Hearing on Ordinance #345-16

ORDINANCE #345-16
BOND ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$300,000 FOR THE REPLACEMENT OF THE EXISTING RADIO COMMUNICATION SYSTEM AND THE ACQUISITION OF NEW EQUIPMENT AND SITE UPGRADES THEREFOR IN, BY AND FOR THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH SUPPLEMENTAL APPROPRIATION

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

Section 1. The Borough Council of the Borough of Sayreville, in the County of Middlesex, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise additional money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$300,000, said sum being in addition to the \$2,300,000 previously appropriated by a bond ordinance of the Borough finally adopted June

17, 2016 (the “Original Ordinance”) for a portion of the improvements described in Section 3 of this bond ordinance, and including the sum of \$15,000 as the additional down payment for said improvements or purposes described in Section 3 required by law and now available therefore by virtue of provision in the previously adopted budget or budgets of the Borough for down payments or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes stated in Section 3 and to meet the part of said \$300,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the “Local Bond Law”). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes described in Section 3, negotiable notes of the Borough in the principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are the replacement of the existing radio communication system and the acquisition of new equipment and site upgrades therefor, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$2,475,000, including \$2,190,000 bonds or notes authorized by the Original Ordinance and the \$285,000 bonds or notes authorized herein.

(c) The estimated cost of said purposes is \$2,600,000, including \$2,300,000 which was appropriated by the Original Ordinance and the \$300,000 appropriated herein.

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

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

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$285,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$215,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements. Of this amount, \$200,000 was estimated for these items of expense in the Original Ordinance and an additional \$15,000 is estimated therefor herein.

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

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the

Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

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

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$2,547,000, \$2,190,000 of which was provided for in the Original Ordinance and \$285,000 of which is provided for herein. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

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

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the public for questions or comments on Ordinance #345-16.

There being 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 Council President Buchanan.

Roll Call: Councilpersons Kilpatrick, Buchanan, Grillo, Lembo, Rittenhouse, all Ayes. Carried.

• **NEW BUSINESS:**

a) Clerk announced the Introduction of the following Ordinance(s):

ORDINANCE #346-16
AN ORDINANCE AMENDING CHAPTER XVII,
“PUBLIC USE OF MUNICIPAL TENNIS COURTS AT KENNEDY PARK”,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

Council President Buchanan moved the ordinance be Approved on first reading, advertised according to law and a public hearing be held on October 12, 2016. Motion was seconded by Councilman Grillo.

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Rittenhouse, all Ayes. Carried.

ORDINANCE #347-16
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO
AMEND SECTION 7-10.1 “TURN PROHIBITIONS

(Co. Grillo, Sponsor – Public Hearing Oct. 12, 2016)

Councilman Grillo moved the ordinance be Approved on first reading, advertised according to law and a public hearing be held on October 12, 2016. Motion was seconded by Council President Buchanan.

Roll Call: Councilpersons Grillo, Buchanan, Kilpatrick, Lembo, Rittenhouse, all Ayes. Carried.

CONSENT AGENDA/RESOLUTIONS

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. Mayor O’Brien called for a motion.

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

RESOLUTION #2016-291

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

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

That all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

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

/s/Daniel Buchanan
Councilman Daniel Buchanan

/s/Pasquale Lembo
Councilman Pasquale Lembo

/s/Steven Grillo
Councilman Steven Grillo

/s/ Absent
Councilwoman Mary J. Novak

/s/Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

/s/Arthur Rittenhouse
Councilman Arthur Rittenhouse

**Bill list of September 26, 2016 in the amount of \$2,769,134.12
in a separate Bill List File for 2016 (See Appendix Bill List 2016-A for this date).**

RESOLUTION #2016-292

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current federal and State regulations do not adequately address the sale of puppy and kitten mill dog and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, the Municipal Council does not want to affect a consumer’s ability to obtain a dog or cat of his choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Governing Body believes it is in the best interests of the Borough of Sayreville to adopt reasonable regulations to reduce costs to the Borough and its residents,

and protect the citizens of the Borough of Sayreville who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the Governing Body does hereby strongly urge Governor Christie, the New Jersey State Legislature, The Middlesex County Board of Chosen Freeholders and Municipalities throughout the State to take immediate steps to ban the sale of “puppy and kitten mill” dogs and cats from pet shops in the State of New Jersey and County of Middlesex; and

BE IT FURTHER RESOLVED that the Municipal Council be and hereby joins with other New Jersey municipalities in calling on elected officials serving New Jersey at all levels of government to work in concert to regulate sales of animals from puppy and kitten mills; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward certified copies of this Resolution to Governor Christie, the Middlesex County legislative delegation, the Middlesex County Board of Chosen Freeholders and all Middlesex County municipalities.

/s/Pasquale Lembo, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2016-293

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase a virtualized server and storage environment system through State Contract #M0483/T88967, from Candoris Technologies, LLC, 9 East Main Street, Annville, PA 17003 at a total cost not to exceed \$55,229.02.

/s/Steven Grillo, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O’Brien,
Mayor

Resolution #2016-294
Solid Waste Collection Reimbursement
for PAK Enterprises, LLC

BE IT AND IT IS HEREBY RESOLVED that the proper borough Officials are hereby authorized and directed to execute a “Qualified Private Community Services Agreements” between the Borough of Sayreville and Central Jersey Contractors/PAK Enterprises, LLC for costs associated with solid waste collection services and that this agreement shall be self-renewing from the date of issue.

/s/ Steven Grillo, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2016-295

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the fiscal year ended December 31, 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:0-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and
Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled "General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB, to wit:

R.S. 52:27BB-52 "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Sayreville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

/s/ Steven Grillo, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

RESOLUTION #2016-296

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a twenty Four (24) month extension of the Right of Entry Agreement with the Department of Army Corps of Engineers to enter Block 176, Lot 2.05 and Block 178, Lot 9, off River Road and along the Raritan River to continue to perform a site-wide remedial investigation and feasibility study of dredged materials deposited on the Sayreville side of the Raritan River, pending the Army Corp. and the contractor maintain and present the following documents:

- a) A Self Insurance Letter from US Army Corps of Engineers
- b) Certificate of Insurance from US Army Corps of Engineer's Contractor delineating the Borough as a Certificate Holder and an endorsement as additional Insured.

/s/ Steven Grillo, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

RESOLUTION #2016-297

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A LED MESSAGE BOARD

WHEREAS, the Borough of Sayreville has a need to acquire two (2) LED Message Boards 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, Ver-Mac of Quebec, Canada has indicated they will provide two (2) LED Message Boards for the Borough of Sayreville; and

WHEREAS, Ver-Mac has completed and submitted a Business Entity Disclosure Certification which certifies that Ver-Mac 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 the Ver-Mac 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 Ver-Mac 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/ Steven Grillo, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

RESOLUTION #2016-298

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REJECTING THE BIDS RECEIVED FOR CHAIN LINK FENCE INSTALLATION, REPAIR AND REPLACEMENT

WHEREAS, on August 12, 2016 the Borough of Sayreville accepted Bid Proposals for Contract #2016-3 Chain Link Fence Installation, Repair and Replacement; and

WHEREAS, there were two proposals receive for said contract and they all were over the budget appropriation.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council that the bids received on August 12, 2016 for “Chain Link Fence Installation, Repair and Replacement” be and the same is hereby rejected and the QPA is hereby authorized and directed to return bid security and to re-advertise for same.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien,
Mayor

RESOLUTION #2016-299

WHEREAS, on September 20, 2016 the Mayor and Council of the Borough of Sayreville received bids for the “Public Safety Complex Boiler Replacement”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 26th day of September, 2016:

1. Contract for the “Public Safety Complex Boiler Replacement” be awarded to Liberty Mechanical Contracting, Inc., of Newark, NJ on their bid price of \$62,296.00 as appears on copy of bid document attached hereto and made a part hereof.

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

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien,
Mayor

RESOLUTION #2016-300

BE IT AND IT IS HEREBY RESOLVED that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Improvements to Smith Street at a fee not to exceed \$24,500.00 and upon approval of said plans and specifications that borough clerk is authorized to advertise for the receipt of bids.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien,
Mayor

RESOLUTION #2016-301

**RESOLUTION OF THE BOROUGH OF SAYREVILLE AUTHORIZING
CME ASSOCIATES TO PETITION THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR APPROVAL OF THE MODIFICATIONS
OF THE HIGHWAY-RAIL CROSSING LOCATED AT THE INTERSECTION
OF JERNEE MILL ROAD (COUNTY ROUTE 675) AND
BORDENTOWN AVENUE (COUNTY ROUTE 615)**

WHEREAS, the Borough of Sayreville, in the County of Middlesex, desires to modify the highway-rail crossing located at the intersection of Jernee Mill Road (County Route 675) and Bordentown Avenue (County Route 615); and

WHEREAS, the petition procedure set forth by the New Jersey Department of Transportation includes the submission of a Resolution from the governmental authority having jurisdiction over the roadway where the grade crossing exists, authorizing the filing of the petition;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex, that CME Associates is hereby authorized to petition the New Jersey Department of Transportation for approval of the modifications of the highway-rail crossing located at the intersection of Jernee Mill Road (County Route 675) and Bordentown Avenue (County Route 615).

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

RESOLUTION #2016-302

WHEREAS, Qualified Purchasing Agent has recommended that certain increases and decreases be included in the following described project as will more fully appear by Contract Change Order No. 1:

- Project: Radio Communication System
- Contractor: Tactical Public Safety
1036 Industrial Way
West Berlin, NJ 08091
- Net Increase: \$282,029.00
- 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 QPA referred to above and in said Change Order be and the same is hereby accepted and approved.

/s/ Steven Grillo, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

• **EXECUTIVE SESSION - None**

• **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public or any and all issues.

Those appearing were:

- Sherry Stark, Freds Towing, South River, NJ
Stated that on July 25, 2016 she requested that their company be given the opportunity to apply and be added to Sayreville's Police Tow List and was told that they need to be located in town. She said that is against the State Statute and Mr. DuPont said that he would be in touch with her to resolve the matter but since July there have been numerous e-mails but no resolve.

Borough Attorney DuPont addressed her comments. He informed her that he has a meeting with the Police Chief and Borough Admin. on Oct. 5th.

No further questions or comments. Council President Buchanan made **a motion to close the public portion**. Seconded by Councilman Grillo.

Roll Call: Voice Vote, all Ayes. Carried.

- **ADJOURNMENT**

Council President Buchanan made **a motion to adjourn** this meeting. Seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes. Carried.

Time: 7:19 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved