

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 November 23, 2015 Council Meeting has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Kilpatrick, McGill,
Melendez (via telecommunication, but call was last few times
during meeting),

Novak, Rittenhouse

Absent: None

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

Others Absent: None

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

Council President McGill moved the following minutes of the Mayor and Council be approved on Roll Call Vote, subject to correction if necessary:

☞ October 13, 2015 -Regular, Agenda and Executive Session

Motion was seconded by Councilwoman Novak.

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

- **PRESENTATION:**

- **Mike Macagnone, School Board President**

Follow-up regarding the Pilot Program and the two concerns Councilwoman Novak and Kilpatrick expressed at the last meeting regarding the legality and the figures.

Councilwoman Kilpatrick said that she has not seen any figures as of yet and the Wayne is still putting those figures together.

Mr. Kronowski stated that to date nothing has been done due to convention, and vacation time.

Borough Attorney Mr. DuPont said that following League convention last week they have begun the research and they may be some issues and will have that addressed in the next few weeks.

Mr. Macagnone commented on how generally the money for these programs are filtered to the Board of Ed and that he will follow-up at the next meeting.

OLD BUSINESS

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

The Clerk Read the heading for Ordinance #312-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #312-15**.

There were no appearances.

Councilman Buchanan moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez- No vote, call lost, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #312-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION
12-3.5 PROPERTY RENTAL AND RESALE INSPECTION

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:

12-3.5 – PROPERTY RENTAL AND RESALE INSPECTIONS

V. Fees.

~~A. The fee for registration and initial inspection for a certificate of rental compliance shall be seventy-five (\$75.00) dollars and if a reinspection is necessary, a fee of fifty (\$50.00) dollars shall be required.~~

A. For a certificate of rental compliance applicable to any property, the fee shall be as follows:

1. Inspection requests scheduled more than five (5) business days prior to the rental date shall have a fee of seventy-five (\$75.00) dollars and if a reinspection is necessary, a fee of fifty (\$50.00) dollars shall be required.

2. Inspection requests scheduled five (5) or less business days prior to the rental date shall have a fee of one hundred twenty-five (\$125.00) dollars and if a reinspection is necessary, a fee of seventy-five (\$75.00) dollars shall be required.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Twelve - Building and Housing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

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

/s/ Daniel Buchanan, Councilman
(Planning & Zoning Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

The Clerk Read the heading for Ordinance #313-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #313-15.**

There were no appearances.

Council President McGill moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, (Melendez- No vote, call lost), Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #313-15
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 7-25.3 PARKING TIME LIMITED ON CERTAIN MUNICIPALLY CONTROLLED PARKING AREAS

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:

Section 1. This Ordinance amends Chapter 7 of the Revised General Ordinances of the Borough of Sayreville by amending Section 7-25.3:

7-25.3 Parking Time Limited on Certain Municipally Controlled Parking Areas. No person shall park a vehicle for longer than the time limit shown below at any time between the hours listed below of any day (except Sundays and public holidays unless other provided herein) upon any of the areas described below:

<i>Name of Area</i>	<i>Limit</i>	<i>Hours</i>	<i>Location</i>
Miller’s Corner Park	3 hours	6:00 a.m. to closing	Parking Lot for Miller’s Corner Park located adjacent to intersection of Washington Road and Main Street
<i>Borough Hall Annex Adjacent Parking Lot</i>	<i>8 hours</i>	<i>6:00 a.m. to 4:00 p.m.</i>	<i>Lot adjacent to the Borough Hall Annex Parking Lot</i>

A vehicle remaining beyond the time limit will be subject to the penalty provisions of chapter VII of the Revised General Ordinances of the Borough of Sayreville.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Seven, Section 7-25.3 “Parking Time Limited on Certain Municipally Controlled Parking Areas**, of the Revised General Ordinances of the Borough of Sayreville, shall be amended to reflect said change.

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

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O’Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq., Borough Attorney

• NEW BUSINESS:

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

The Clerk Read the heading for Ordinance #314-15 for Introduction:

ORDINANCE 314-15
**AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER XIV, “WATER & SEWER”,
SECTION 16.1 OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE, 1986, AS SUPPLEMENTED AND AMENDED**
(Water & Sewer Committee – Public Hearing to be held on Dec. 14, 2015)

Councilman Rittenhouse moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on December 14, 2015. Motion seconded by Councilwoman Novak.

Councilman Buchanan said that this is the ordinance for the water rate increase and that there was a water committee meeting and Councilman Rittenhouse said that there was no need for a rate increase. Councilman Buchanan gave the history on past discussions on this ordinance. Councilman Rittenhouse said that at the last council meeting the CFO explained why a water rate increase would be necessary and everyone agreed to have the ordinance placed on the agenda for introduction. He also mentioned that the last time it was listed for introduction it was a 4-2 vote and could have been introduced but it was Tabled and felt they received inaccurate information from the Attorney which caused the Ordinance to be withdrawn.

Mayor called for Roll Call:

Roll Call: Councilpersons Buchanan, No; Kilpatrick, No (with comment)
McGill, Yes; Melendez, Yes; Novak, Yes; Rittenhouse, Yes.
Clerk announced 2 Nay, 4 Ayes. Carried.

The Clerk Read the heading for Ordinance #315-15 for Introduction:

ORDINANCE 315-15
**ORDINANCE OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, NEW JERSEY**
**APPROVING THE APPLICATION FOR A LONG TERM TAX EXEMPTION AND
AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH
MEC INFRASTRUCTURE URBAN RENWAL LLC**
(Planning & Zoning Committee – Public Hearing to be held on Dec. 14, 2015)

Councilman Buchanan moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on December 14, 2015. Motion seconded by Councilwoman Novak.

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

The Clerk Read the heading for Ordinance #316-15 for Introduction:

ORDINANCE 316-15
**ORDINANCE AMENDING CHAPTER II, “ADMINISTRATION”
TO RENAME SUBSECTION 2-49, “MEDIA ADVISORY BOARD” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SAYREVILLE TO “TECHNOLOGY BOARD”**
(Administration Committee – Public Hearing to be held on Dec. 14, 2015)

Councilman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on December 14, 2015. Motion seconded by Councilwoman Kilpatrick.

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

CONSENT AGENDA/RESOLUTIONS

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

There were no appearance.

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

Roll Call on Consent Agenda Resolutions: Councilpersons Buchanan, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

RESOLUTION #2015-332

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

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

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

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

/s/ Daniel Buchanan
Councilman Daniel Buchanan

/s/ Ricci Melendez
Councilman Ricci Melendez

/s/ Absent
Councilwoman Victoria Kilpatrick

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

/s/ David McGill
Councilman David McGill

/s/ Arthur Rittenhouse
Councilman Arthur Rittenhouse

Bill list of November 23, 2015 in the amount of \$2,969,492.77 in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date).

RESOLUTION 2015-333

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2015 Budget Appropriations be and the same are hereby authorized to be made in the following manner to wit:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
Human Resources (1105-108-2-3114)	\$	\$ 5,000
Police Dispatch (1250-314-1-1302) (1250-314-2-7060)	20,000	2,500
Road Repairs & Maintenance (1290-401-1-1002)		35,000
Sanitation (1305-501-1-1002)		20,000
Recycling Program (1305-503-1-1001)		5,000
Vehicle Maintenance (1315-550-1-1302)		10,000
Office on Aging		

(1428-720-2-11110)		5,000
Electricity (1430-930-2-18515)	20,000	
Fuels & Lubricants (1460-415-2-9160)	22,500	
(1460-415-2-9170)	20,000	
	\$ 82,500	\$ 82,500

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien,
Mayor

RESOLUTION #2015-334

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE
MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT
FOR CONSULTING SERVICES TO V-COMM, LLC OF CRANBURY, NEW JERSEY**

WHEREAS, the Governing Body of the Borough of Sayreville has been advised by Sayreville Police Department that the purchase and implementation of a new radio communications system is necessary; and

WHEREAS, V-COMM, LLC has extensive expertise and knowledge regarding the awarding and assignment of radio frequencies licensed by the FCC and has been already retained as a consultant for the Police Department Radio System; completed initial site surveys and examination of the needs of the Borough of Sayreville regarding the new radio system; and

WHEREAS, awarding the contract for obtaining frequencies within the 700/800 spectrum to V-COMM, LLC will save the Borough of Sayreville time and money; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the proper Borough Officials are authorized and directed to execute the Contract with V-COMM, LLC regarding the awarding and assignment of radio frequencies licensed by the FCC.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-335

BE IT RESOLVED that the proper Borough officials are hereby authorized to execute a contract for the purchase of one (1) Big-Tow 24' deck B-20TA flatbed trailer from Bobcat of Central NJ through State Approved Cooperative Purchasing program contract #MRESC 14/15-75, at a total cost not to exceed \$27,993.98.

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

ATTEST:

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

APPROVED:

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

RESOLUTION #2015-336

WHEREAS, on October 30, 2015 the Mayor and Council of the Borough of Sayreville received bids for the "Senior Window Replacement" and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 23rd day of November, 2015, that:

1. Contract for the " Senior Window Replacement" be awarded to R.D. Architectural Products, 39-40 Broadway, Fairlawn, NJ 07410, and that they be paid for said services at an amount not to exceed \$36,000.00.

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

ATTEST:

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

APPROVED:

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

RESOLUTION #2015-337

BE IT AND IT IS HEREBY RESOLVED that the proper Borough Officials are hereby authorized and directed to execute a three (3) year agreement with the Middlesex county Utilities Authority for the disposal of Acceptable Solid Waste at the Middlesex County Landfill, effective January 1, 2016 through December 31, 2018.

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

ATTEST:

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

BOROUGH OF SAYREVILLE

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

RESOLUTION #2015-338

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any

county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$42,655.00, which item is now available as a revenue from the Governor’s council on Alcoholism and Drug Abuse; and

SECTION 2.

BE IT FURTHER RESOVED that the like sum of \$42,655.00 is hereby appropriated under the caption of:

“Municipal Alliance Grant”

and

SECTION 3.

BE IT FURTHER RESOLVED the sum of \$10,664.00 representing the municipality’s share of the aforementioned undertaking or improvement appears in the budget of the year 2015 under the caption Matching Funds for Grants and is hereby appropriated under the caption “Municipal Alliance Local Match”.

BE IT FURTHER RESOLVED that the proper documents as required be forwarded to the Director of the Division of Local Finance for approval.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-339

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$3,000.00, which item is now available as a revenue from the New Jersey State Forestry Services.

SECTION 2.

BE IT FURTHER RESOVED that the like sum of \$3,000.00 is hereby appropriated under the caption of:

“NJ Forestry Services – Green Communities Grant”

and

SECTION 3.

BE IT FURTHER RESOLVED the sum of \$3,000.00 representing the municipality’s share of the aforementioned undertaking or improvement appears in the budget of the year 2015 under the caption Matching Funds for Grants and is hereby appropriated under the caption “Green Communities Local Match”.

BE IT FURTHER RESOLVED that the proper documents as required be forwarded to the Director of the Division of Local Finance for approval.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-340

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$7,909.09, which item is now available as a revenue from the New Jersey Division of Criminal Justice – Body Armor Program; and

SECTION 2.

BE IT FURTHER RESOLVED that the like sum of \$7,909.09 is hereby appropriated under the caption of:

“Body Armor Grant”

and

SECTION 3.

BE IT FURTHER RESOLVED that the proper documents as required be forwarded to the Director of the Division of Local Finance for approval.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-341

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$60,000.00, which item is now available as a revenue from the New Jersey Division of Criminal Justice – Safe and Secure Communities Program; and

SECTION 2.

BE IT FURTHER RESOLVED that the like sum of \$60,000.00 is hereby appropriated under the caption of:

“Safe and Secure Communities Program”

and

SECTION 3.

BE IT FURTHER RESOLVED that the proper documents as required be forwarded to the Director of the Division of Local Finance for approval.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-342

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$77,701.79, which item is now available as a revenue from the New Jersey Solid Waste Administration – Clean Communities Program; and

SECTION 2.

BE IT FURTHER RESOLVED that the like sum of \$77,701.79 is hereby appropriated under the caption of:

“Clean Communities Program”

and

SECTION 3.

BE IT FURTHER RESOLVED that the proper documents as required be forwarded to the Director of the Division of Local Finance for approval.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-343

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$1,400,000.000, which item is now available as a revenue from the FEMA Reimbursements;
; and

SECTION 2.

BE IT FURTHER RESOLVED that the like sum of \$1,400,000.00 is hereby appropriated under the caption of:

and “Deferred Charges”
Special Emergency Authorizations – Sandy
5 years (N.J.S.A. 40A:4-55)

SECTION 3.

BE IT FURTHER RESOLVED that the proper documents as required be forwarded to the Director of the Division of Local Finance for approval.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-344

BE IT AND IT IS HEREBY RESOLVED that the Borough Engineer is hereby authorized and directed to prepare an updated Emergency Response Plan for the Borough Water Department at a fee not to exceed \$15,500.00.

/s/ Arthur Rittenhouse
Arthur Rittenhouse, Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-345

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the Bordentown Avenue Water Treatment Plant Solar Energy Savings project.

/s/ Arthur Rittenhouse
Arthur Rittenhouse, Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION READ IN FULL

RESOLUTION #2015-346

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE
MAYOR AND BOROUGH CLERK TO EXECUTE THAT CERTAIN
PURCHASE AGREEMENT BY AND AMONG THE
BOROUGH OF SAYREVILLE, AS SELLER,
MEC LAND, LLC, AS PURCHASER,
AND MIDDLESEX ENERGY CENTER, LLC, AS REDEVELOPER**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (“Redevelopment Law”) provides a process for municipalities and private entities to cooperate in the redevelopment and improvement of areas determined to be in need of redevelopment; and

WHEREAS, by Resolution #2010-70 adopted on March 22, 2010, the Sayreville Borough Council authorized the Sayreville Planning Board to perform an investigation and hold a public hearing to determine, inter alia, whether property identified on the Tax Map as Block 56, Lots 1.01 and 2.02, Block 57.02, Lot 1, Block 57.04, Lot 1, Block 57.05, Lot 1 and Block 58, Lots 6 & 7 (collectively known as Sayreville Landfill #3) (as defined in Paragraph 1 hereof, the “Property”) qualified for designation as areas in need of redevelopment under the Redevelopment Law; and

WHEREAS, the Sayreville Planning Board conducted an investigation and public hearing in accordance with the Redevelopment Law and recommended to the Borough Council that the two aforementioned areas satisfy the statutory criteria for designation as areas in need of redevelopment in N.J.S.A. 40A:12A-6(c) and (e); and

WHEREAS, by Resolution #2010-157 adopted on July 12, 2010, the Borough Council designated the Property as an area in need of redevelopment; and

WHEREAS, Borough is the owner of the Property; and

WHEREAS, the Borough used, or permitted the use of, the Property as a municipal landfill prior to 1983; and

WHEREAS, the Property was the subject of a landfill closure plan approved by the New Jersey Department of Environmental Protection (“NJDEP”), and was thereafter the subject of remediation proceedings involving NJDEP and the United States Environmental Protection Agency (the “USEPA”); and

WHEREAS, in 1983, the USEPA placed the Property on the federal Superfund National Priority List and thereafter issued a Record of Decision (“ROD”) in 1990, the terms of which the Borough and such other person identified as Potentially Responsible Parties therein agreed to implement which included certain remedial actions, including installation of a NJDEP solid waste cap, removal and off-site treatment of the contents of certain buried drums containing hazardous wastes, installation of storm water controls, gas venting systems, and perimeter fencing and performance of monitoring activities of groundwater, landfill gas, surface water, stream sediments and air (“Landfill Closure/Remedial Action”); and

WHEREAS, remedial action activities began at the Property in 1998 and were completed in 1999; and

WHEREAS, the USEPA issued a Superfund Final Close-Out Report dated July 2011 which set forth a summary of the Landfill Closure/Remedial Action performed at the Property and specifies certain additional requirements for the future implementation of long term Institutional Controls, performance of operation and maintenance of Engineering Controls and completion of five (5) years reviews (“CERCLA Close Out Requirements”); and

WHEREAS, according to USEPA’s Superfund Final Close-Out Report the Site “meets all the site completion requirements as specified in OSWER Directive 9320.2-22, Close-Out Procedures for National Priorities List Sites” and “[a]ll remedial activities at the Sayreville Landfill Site are complete and the Site poses no unacceptable risk to human health or the environment”; and

WHEREAS, according to the USEPA’s Superfund Final Close-Out Report “EPA has determined that no further response action is necessary at the Sayreville Landfill Superfund Site”; and

WHEREAS, the Property remains subject to certain Post Closure Requirements (as defined herein), including a Deed Notice dated July 26, 2010 and filed with the County of Middlesex on August 10, 2010 at Book 0184; page 0419 (the “Deed Notice”), which includes a Site Classification Exception Area (CEA 100167004) (Exhibit A), compliance of which is required to prevent disturbance to the landfill cap without prior notice and approval of the NJDEP and to provide long term protection of health, safety and the environment; and

WHEREAS, the Sayreville Economic and Redevelopment Authority (“SERA”) and MEC Land, LLC (“MEC Land”), a wholly-owned subsidiary of Redeveloper (f/k/a VG Resources of Sayreville, LLC) entered into a Memorandum of Understanding (“MOU”) dated December 28, 2012, that included provisions for, inter alia, preparation and execution of an agreement for purchase of the Property by MEC Land from Borough for development of the Project (as hereinafter defined); and

WHEREAS, Redeveloper owns all of the membership interests in MEC Land; and

WHEREAS, by Ordinance #239-13, the Borough Council adopted a redevelopment plan entitled “Borough of Sayreville Landfill and Melrose Redevelopment Plan” (the “Redevelopment Plan”) that included provisions for construction on the Property of an electric power generating facility, a possible solar electric power generating facility and other improvements (as defined in Section 1 hereof, the “Project”); and

WHEREAS, by Resolution #2015-258, adopted by the Borough Council on August 24, 2015, the land upon which the Project is to be constructed by Redeveloper was expanded to include the Expansion Parcel; and

WHEREAS, the Redevelopment Plan was amended by Ordinance #304-15, adopted on September 15, 2015, to (i) amend certain bulk standards for the redevelopment of the Project, and (ii) include the Expansion Parcel; and

WHEREAS, Redeveloper and SERA have entered into a Redevelopment Agreement (the “Redevelopment Agreement”) for redevelopment of the Property and the Expansion Parcel by construction of the Project on the Development Site; and

WHEREAS, the Borough has heretofore determined that redevelopment of the Property and the Expansion Parcel pursuant to the Redevelopment Agreement is in the best interests of Borough in terms of economic, societal and land use benefits; and

WHEREAS, special counsel for SERA has negotiated the attached Purchase Agreement with counsel for the Redeveloper and MEC Land, and such special counsel for SERA has approved the attached Purchase Agreement as to form and content; and

WHEREAS, at its regular meeting held on September 24, 2015, SERA adopted a Resolution recommending to the Borough Council to adopt a resolution authorizing the execution of the Purchase Agreement substantially in the form attached hereto; and

WHEREAS, the Borough desires to authorize the Mayor and Borough Clerk to execute the Purchase Agreement in the form attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that it does hereby authorize the Mayor and Borough Clerk to execute the Purchase Agreement by and between the Borough, as Seller, MEC Land, as Purchaser, and Middlesex Energy Center, LLC, as Redeveloper, in the form attached hereto for purposes of cooperating with and facilitating the redevelopment of the Property and the Expansion Parcel and the construction of the Project on the Development Site by the Redeveloper; and

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to forward fully executed copies of the Purchase Agreement to (i) counsel for MEC Land and Middlesex Energy Center, LLC; (ii) special and general counsel for SERA, (iii) the Secretary of SERA, and (iv) that a fully executed copy be retained by the Borough Clerk for the Borough’s records.

/s/ Daniel Buchanan, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

Mayor O’Brien opened the meeting to the public for questions or comments on Resolution #2015-346.

Those appearing were:

Barbara Kilcomons, 22 Schmitt Street

Commented on lost rateables due to Hurricane Sandy. She thought that a 35 year Pilot was excessive.

Comments addressed by Mayor O’Brien and by Mr. David Himmelman, Principal of Middlesex Energy Center. Who explained that this resolution was for the purchase agreement and what she is addressing is the Pilot Agreement which would be a \$80 Million dollars over the life of the pilot.

- Mike D’Addio, Chairman of SERA
Commented on what a Pilot is and wished they could get them to sign for a much longer term and the longer this pilot is the better it is for the borough.

There being no further questions or comments.

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

Roll Call: Voice Vote, all Ayes.

Councilman McGill moved the Resolution be adopted on Roll Call Vote. Motion seconded by Councilman Buchanan.

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

PUBLIC PORTION

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

Those appearing were:

- Jerry Saccente, 3 Singleton Street.

Commented that over time his street has slanted and now has become a huge drainage issue causing safety concerns. Minor rain causes floods across street with it being 2-3 ft. high. Can't repair his personnel damage because it will just happen again so he is asking for a permanent repair. DPW came out and approved for improvement but was denied due to budget reasons. He said safety issue becomes worse in winter and if it can't be repaired now, when?

The Borough Engineer responded for the Mayor stating that the repair involves regrading and drainage improvements and the borough's emergency contractor said that it would cost \$17,000.00 and there were some budget issue.

Comments made by Councilwoman Kilpatrick about witnessing the flooding and it was a serious issue.

Mayor asked the CFO if there was any money for this repair and he indicated that there was not. Mayor asked that he review and see if he could find some money. Mr. Kronowski explained that it is at the end of the year and a Bond Ordinance would take two meetings. Mayor indicated that perhaps it would be better if he came back in January. Concerns from Councilwoman Kilpatrick about Mr. Saccente having to come back and forth. Mr. Kronowski said that it is on the DPW Director's list for improvements. Mr. Kronowski also explained that we are also under strict budgetary restraints, the way money is appropriated, spent and cannot address every issue immediately. Further comments made by Councilwoman Kilpatrick regarding the severity of the repair need.

- Ed Strek, 58 Nickel Avenue

Suggested using the money from Resolution 2015-335 to fix this man's problem.

Response from Mr. CFO on the use of certain monies.

No further questions or comments. Councilwoman Novak moved the public portion be closed. Motion seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION**
- 10 minutes / Personnel & Litigation

Mr. DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

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

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

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10 minutes to discuss the following matters:

Personnel & Litigation

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

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

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

/s/ Daniel Buchanan, Councilman

APPROVED:

/s/ Kennedy O'Brien

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

Roll Call: Voice Vote, all Ayes. Carried. Time: ---- PM

- **RECONVENE – 7:40 PM**

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

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

- - Before adjourning Councilwoman Kilpatrick made a motion to appoint James P. Nolan as the Rent Leveling Board Attorney. Motion seconded by Councilman Buchanan.

Roll Call: Councilman Buchanan, Kilpatrick, McGill, Melendez (no longer on the phone) Novak, Rittenhouse, all Ayes.

No further business.

Mayor called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 7:45 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved

