

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**

Assistant Municipal Clerk Morelos announced that this November 25, 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, Enriquez,
Kilpatrick, McGill, Novak.

Absent: Mayor Kennedy O'Brien (ill)

Others Present: Daniel E. Frankel, Business Administrator
Denise Biancamano, C.F.O./Treasurer
Theresa A. Farbaniec, Municipal Clerk
Jessica Morelos, Assistant 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:**

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

☒ November 12, 2019 - Regular & Agenda Sessions

Seconded by Councilwoman Novak.

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

. PROCLAMATION & PRESENTATIONS – NONE

CONSENT AGENDA RESOLUTIONS

Council President Buchanan opened the meeting for any questions or comments on **Consent Agenda Resolutions**.

- Ruth Ann Mahoney, 2 Gerard Place

She questioned how long the contract is for Resolution #2019-362.

Councilwoman Novak responded 6 months.

She also questioned if the monies would have to be returned to Hackensack Meridian if the contract is not extended.

Council President Buchanan stated no, but Councilwoman Novak stated it would probably have to be prorated.

- Dexter Thomas, 151 Main Street

He questioned Resolution #2019-362 about the arrangements for Hackensack to park the ambulance in the squad building from 6am to 6pm.

Business Administrator Frankel responded that they use it for 24 hours.

Councilwoman Novak responded that wasn't discussed.

Business Administrator Frankel asked to hold a discussion. He questioned Mr. Thomas as to why it shouldn't be in there.

Mr. Thomas responded that they are removing one of their vehicles to make room for Hackensack Meridian's. He also stated that the EMS has a truck that is pushed back by the oxygen room. He stated you need to have a clear path out of the room.

Business Administrator Frankel asked how many bays.

Mr. Thomas responded 120 bays and each one is being used.

Mr. Frankel asked Mark Bober to come forward from Hackensack Meridian.

- Mark Bober, Director of EMS Hackensack Meridian

Business Administrator Frankel asked him if there was a problem with removing the rig from the bay.

Mr. Bober responded that he thought the rent that is paid is for 24 hours but they will do whatever they need to do.

Mr. Frankel stated the rent will then be prorated.

Mr. Thomas questioned if the contract would be signed tonight.

Business Administrator Frankel stated we are authorizing the execution of the contract.

Mr. Thomas stated that he looked over the protocols and they aren't right.

Councilwoman Novak stated that they were having problems with the dispatchers and they weren't dispatching the volunteers when there was one available. She stated that they made an agreement with Hackensack Meridian to be the primary dispatch but when Hackensack went to Morgan and told them if they aren't in the building then they are considered out of service. She stated that during 6am-6pm the first call should go to Hackensack Meridian but if another call comes in and there is a volunteer crew that it should go to them.

Business Administrator Frankel responded that the contract is from 6am to 6pm Monday through Friday.

Councilwoman Novak stated for the first call.

Mr. Bober stated that there was a meeting and all came to an agreement on the document which is being referenced to.

Councilwoman Novak stated that this wasn't said at the Sayreville Emergency Squad meeting. She stated if there is a crew then they should be dispatched.

Mr. Bober stated that if it needs to be amended then it will be.

Council President Buchanan stated that if a crew was available that dispatch would be notified and dispatch would notify the provider and now it seems like it did a 180.

Councilman Enriquez questioned that if JFK has an ambulance ready to go and if the volunteers are sitting at home that it's better to dispatch the volunteers.

Councilwoman Novak responded no.

Borough Attorney DuPont stated they can incorporate the protocols into the contract.

Councilwoman Kilpatrick questioned that the crew who is closest and the quickest is the one responding to the call.

Mr. Bober stated the one that is closest with the shortest response time.

Council President Buchanan stated that there is confusion as far as the protocols. He suggested that they be looked at and everyone on board before we go ahead with the contract.

Borough Attorney DuPont stated that the protocols should be amended by Mr. Thomas and that the protocols and RFP coexistent and the contract will not be executed until he receives the protocols.

- Don Riley, President of Morgan 1st Aid Squad

He stated that he had concerns regarding dispatching protocols and that there is no dispatch protocol for the Borough.

Councilwoman Kilpatrick questioned who is in charge of making the protocol.

Mr. Riley stated the Police Chief along with the First Aid Squads.

Chief Zebrowski stated the Police Dept. sets the protocols. He stated that we have a six month contract and if the protocols need to be tweaked then.

Councilwoman Novak stated that the contract only be approved with the stipulation it be changed.

Mr. Riley stated that the protocols need to be done and followed.

- Ruth Ann Mahoney, 2 Gerard Place

She questioned after the contract is up who would be reviewing it.

Councilwoman Novak responded the council, police chief, and the first aid squads.

No further comments.

Councilwoman Novak made a motion to close the public portion and that the Consent Agenda Resolutions be approved. Seconded by Councilwoman Kilpatrick.

Roll Call:

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

Borough Attorney DuPont left at 7:40pm and replaced by Edward Washburne.

RESOLUTION #2019-349

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
Council President

/s/ Victoria Kilpatrick
Councilwoman

/s/ Kevin Dalina
Councilman

/s/ Dave McGill
Councilman

/s/ Damon Enriquez
Councilman

/s/ Mary J. Novak
Councilwoman

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

/s/ Michael DuPont, Esq.
Borough Attorney

Bill list of November 25, 2019 in the amount of \$1,512,667.72 in a separate Bill List File for 2019 (See Appendix Bill List 2019-A for this date).

RESOLUTION #2019-350

WHEREAS, the Borough Clerk is in receipt of applications for renewal of licenses for the year 2020 covering the following:

Barber & Beauty Shops
Junkyards
Private Horse Stable Operator
Taxi Cab Owner/Operator
Temporary Trailer
Motels

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council that applications for license renewals for the year 2018 for the aforementioned be and the same are hereby approved, subject to the completion of the proper paperwork.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Daniel Buchanan
Council President

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

/s/Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-351

WHEREAS, on June 21, 2019 Road Opening Permit #5474 was issued to open 211 Johnsons Lane, Sayreville; and

WHEREAS, the Road Department has advised that the road has been restored to original condition and has recommended that a refund of a portion of said permit fee be made; and

WHEREAS, a Five-Hundred (\$500.00) cash Maintenance Bond has been posted on June 21, 2019.

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to refund the sum of \$3,060.00 for the afore-mentioned Road Opening Permit to Apex Construction & Renovation, LLC, upon the submission of a properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Daniel Buchanan
Council President

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

/s/Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-352

**RESOLUTION CANCELING BALANCES
OF IMPROVEMENT AUTHORIZATIONS
NO LONGER NEEDED**

WHEREAS, certain Capital Improvement appropriation balances remain dedicated to projects are now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorizations may be canceled;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville that the following unexpended balances be canceled:

ORD. NO.	DESCRIPTIO	FUNDED	UNFUNDED
<u>General Capital Fund</u>			
2012-195	Road Improvements	24,282.00	
2013-224	Vehicles & Equipment	2,852.27	
2013-225	Various Improvements	4,315.98	
2013-233	Road Improvements	18,846.16	
2014-249	Improvements to UST	2,445.76	
2014-264	Vehicles & Equipment	10,477.54	
2014-265	Road Improvements	35,436.04	
2015-290	Vehicles & Equipment	10,292.64	
2015-292	Lee Avenue Drainage	83,354.04	
2015-297	Road Improvements	7,947.31	
2015-305	Washington/MacArthur Ave. Improvement	6,014.00	

2016-332	Vehicles & Equipment	7,640.86
2016-334	Park Improvements	15,540.97

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer for her records.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-353

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2019 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>		
Central Postage (9-01-20-090-124)		10,000.00
Rent Leveling OE (9-01-21-190-194)		1,000.00
Police OE (9-01-25-240-120)		15,000.00
Recycling S & W (9-01-26-306-011)		500.00
Telephone (9-01-31-440-267)		5,500.00
Disposal Area Contract (9-01-32-465-314)		65,000.00
FICA (9-01-36-472-317)		120,000.00
Financial Administration S & W (9-01-20-130-011)	29,000.00	
Tax Assessment OE (9-01-20-150-159)	20,000.00	
Legal OE (9-01-20-155-163)	30,000.00	
Engineering OE (9-01-20-165-171)	15,000.00	
Planning Board OE (9-01-21-180-181)	10,000.00	

Police Dispatch S & W (9-01-25-250-012)	20,000.00	
Crossing Guard S & W (9-01-25-255-013)	20,000.00	
Parks & Playground Maintenance OE (9-01-28-375-226)	10,000.00	
Sayreville Conservation Core SW (9-01-28-385-013)	5,000.00	
Sayreville Conservation Core OE (9-01-28-385-290)	3,000.00	
Cable Access Channel S & W (9-01-30-425-013)	5,000.00	
Natural Gas (9-01-31-446-267)	20,000.00	
Municipal Court S & W (9-01-43-490-011)	15,000.00	
Municipal Court OE (9-01-43-490-125)	15,000.00	
	<u>\$ 217,000.00</u>	<u>\$217,000.00</u>

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-354

BE IT AND IT IS HEREBY RESOLVED, that the proper Borough officials are hereby authorized and directed to execute an Inter-local services agreement with the Middlesex County Department of Transportation in order for the County to provide continued Senior Citizen Bus Transportation for the years January 1, 2020 through December 31, 2021.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

NOVEMBER 25, 2019
REGULAR MEETING

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-355

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH OF
SAYREVILLE'S INTENT FOR AN IN-KIND CONTRIBUTION
TO THE NATIONAL FISH & WILDLIFE FOUNDATION**

WHEREAS, the Governing Body of the Borough of Sayreville acknowledges that hurricanes and other storms have caused severe flooding along the South River affecting over 1,200 structures in the community; and

WHEREAS, the Governing Body of the Borough of Sayreville continues of process of pursuing a grant from the 2019 National Coastal Resilience Fund: Project Planning and Design for Sayreville and South River; and

WHEREAS, it is the intent of the Governing Body of Sayreville to pursue this grant in order to implement the priorities outlined in the report, *Middlesex County: 2015 Hazard Mitigation Plan Update*; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council authorizes the Intent for In-Kind Contribution to the National Fish and Wildlife Foundation in an amount not to exceed \$17,000.00 provided that grant is awarded from the 2019 National Coastal Resilience Fund: Project Planning and Design.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-356

BE IT RESOLVED that the following person is hereby appointed to the following position in accordance with N.J.S.A. 40A:9-133:

NAME OF APPOINTEE: Jessica Morelos – 3 Year Term
POSITION: Municipal Clerk
DEPARTMENT: Admin. & Finance Department
EFFECTIVE: January 1, 2020

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/ David McGill, Councilman
(Admin. & Executive Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

NOVEMBER 25, 2019
REGULAR MEETING

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-357

BE IT RESOLVED that the following person is hereby appointed to the following:

NAME OF APPOINTEE: Jeanmarie O'Leary
POSITION: Keyboarding Clerk I – Step B
(Full Time)
DEPARTMENT: Admin. & Finance Department
EFFECTIVE: January 1, 2020

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/ David McGill, Councilman
(Admin. & Executive Committee)

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

/s/ Michael DuPont
Michael DuPont, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION 2019-358

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Closeout Contract Change Order No. 1:

- Project: Veterans Field and Sayreville Recreation Complex Synthetic Turf Improvements
- Contractor: Brennan Brothers Contracting, LLC
28 Maple Street
Old Bridge, NJ 08857
- Net Decrease: \$11,887.20
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

NOVEMBER 25, 2019
REGULAR MEETING

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019-359

**ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD**

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Veterans Field and Sayreville Recreation Complex Synthetic Turf Improvements
- Contractor: Brennan Brothers Contracting, LLC
28 Maple Street
Old Bridge, NJ 08857
- Balance Due: \$33,738.53

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

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

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

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

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

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

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

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$253,038.97 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019- 360

WHEREAS, after advertising for the receipt of bids on two separate occasions and on both occasions the bids received were in excess of funds made available for the project known as Improvements to Allgair Avenue; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), the Borough may negotiate and award a contract without any further competitive bidding with having received proposals on two separate occasions and said proposals over the budgeted funds for said project; and

WHEREAS, the Borough contacted the three (3) lowest bidders and requested that they further review their bid prices and the bidders submitted the following new bids with reduced costs for the project:

<u>Bidder</u>	<u>Original Bid 6/20/19</u>	<u>Updated Bid</u>	<u>Savings</u>
1) Z. Brothers Concrete Contractors, Inc.	\$441,233.76	\$411,718.77	(-) \$29,514.99
2) S&G Paving, Inc.	\$449,870.00	\$426,835.00	(-) \$23,035.00
3) Black Rock Enterprises, LLC	N/A	N/A	

WHEREAS, as noted above the low bidder for the project was Z. Brothers Concrete Contractors, Inc. with a negotiated bid price of \$411,718.77; and

WHEREAS, the Borough's Chief Finance Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the Borough accepts the negotiated proposal of Z Brothers Concrete Contractors, Inc., in the amount of \$411,718.77 for the Improvements to Allgair Avenue; and

BE IT FURTHER RESOLVED that the proper borough officials are hereby authorized to execute an agreement, in a form acceptable to the Borough Attorney with Z. Brothers Concrete Contractors, Inc. for the project known as Improvements to Allgair Avenue.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019- 361

**RESOLUTION CALLING FOR STUDY
COMMISSION TO REVIEW THE
OPEN PUBLIC RECORDS ACT**

WHEREAS, the Borough of Sayreville strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of eighteen years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Sayreville has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to the taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn in litigated matters, as well as, the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, It is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving and processing the OPRA request(s) by public entity personnel and counsel and possibly defending out action(s) before the Government Records Council or in Superior Court; and

WHEREAS, The Borough of Sayreville received and responded to three hundred thirty one OPRA requests in 2017, three hundred fifty eight OPRA requests in 2018 and to date have received and responded to two hundred ninety OPRA requests as of September 1, 2019 plus voluminous number processed by the Sayreville Police Department; and

WHEREAS, The Borough of Sayreville municipal staff has spent approximately 250 hours per year responding to OPRA requests for 2017, 2018 and 2019 and an uncalculated number of hours spent responding by the Sayreville Police Records Bureau; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Sayreville must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Sayreville hereby appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblywoman Yvonne Lopez, New Jersey State Senator Joseph Vitale, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Loretta Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, Phil Murphy, the Municipal Clerks Association of New Jersey and the New Jersey State League of Municipalities.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

RESOLUTION #2019- 362

WHEREAS, the Borough of Sayreville is in need of Emergency Medical Services and on July 10, 2019 RFP's were received for Basic Life Support Services and Emergency Medical Transport Services; and

WHEREAS, on September 9, 2019 the governing body took action and voted to contract for Basic Life Support Services and Emergency Medical Services and awarded contract to Hackensack Meridian Health (JFK) and said vote was memorialized at their September 23, 2019 meeting.

NOW THEREFORE BE IT RESOLVED that the proper borough officials are hereby authorized and directed to execute the attached agreement with Hackensack Meridian Health, 308 Talmadge Road, Edison, NJ.

/s/ Victoria Kilpatrick, Councilwoman
(Sponsor)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.

READ IN FULL

RESOLUTION #2019- 363

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 hereby requests the Director of the Division of Local Finance to approve the insertion of the following items of revenue in the budget of the year 2019 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- New Jersey Division of Highway Traffic Safety
- Drive Sober or Get Pulled Over Grant Program \$5,500.00

SECTION 3.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

At this time Council President Buchanan opened the meeting up to the Public for questions or comments on Resolution #2019-363.

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:

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

Carried.

READ IN FULL

RESOLUTION #364

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020-June 2025

FORM 1B

WHEREAS the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and the other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS the Mayor and Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Sayreville, County of Middlesex, State of New Jersey hereby recognizes the following:

1. That Resolution #2019-321, adopted by the Mayor and Council on October 28, 2019 is hereby rescinded and further replaced by Resolution #2019-363.
2. The Governing Body does hereby authorize submission of a strategic plan for the Sayreville Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$40,491.00
Cash Match	\$10,122.75
In-Kind	\$30,368.25
3. The Governing Body acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

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

/s/ Michael DuPont, Esq.
Borough Attorney

At this time Council President Buchanan opened the meeting up to the Public for questions or comments on Resolution #2019-364.

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:

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

Carried.

- **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

Assistant Borough Clerk Morelos read the heading for the following ordinances listed for Public Hearing:

Public Hearing on Ordinance #477-19.

Council President Buchanan opened the meeting to the public for questions or comments on Ordinance #477-19.

Those appearing were:

- Tom Leach

He requested the council to put a hold on the ordinance and to hear both sides of the story.

- Elda Hubbard, Sammy's Hope

She stated her passion is saving animals. She requested the council to vote yes on this ordinance.

- Donald McAndrews

He echoed what was said and supports the adoption of this ordinance.

- Serena Choi

She read a statement into record in support of the ordinance.

Councilman Buchanan moved the Public Hearing be closed the Ordinance be adopted on second and final reading and advertised according to law.

Councilwoman Kilpatrick seconded the closing of the Public Hearing only.

As she wanted to make further comments before adoption.

She stated that over the last three days her inbox has been inundated with emails both for and against this ordinance. She asked that before any vote is taken that she would like to meet with both sides to get a better understanding. She asked if this Ordinance could be tabled.

Councilwoman Novak said that if the ordinance is tabled it cannot be brought up until after the new year.

Council President Buchanan stated that he knows that the large scale commercial breeding is not wanted in Sayreville and we do not have any right now. That is what this Ordinance prohibits. He felt that getting both sides together may not go over very well. Other towns have gone through this and this is where we derived this ordinance from. Our attorney reviewed other ordinances and drew up this ordinance for Sayreville. He said that he like the ordinance and would like to move forward with the adoption of the ordinance.

Councilwoman Kilpatrick said she would like to get more information from the two sides in order to make a more informed decision on the vote.

Councilwoman Novak stated that she can't stand the thought of puppy mills. This would eliminate the puppy mills. If this ordinance changes at all it will have to be carried until the first meeting of the year. She also expressed her concerns on the enforcement of the ordinance. Councilwoman Kilpatrick agreed. She also stated that she did not believe that New Jersey even has any puppy mills. They come from out of State.

Council President Buchanan stated that most of our ordinances are complaint generated.

Further discussion ensued.

Councilman Enriquez asked if there were any applications on file to open a puppy mill within the next month. Business Administrator Frankel responded that to his knowledge there were not.

Councilman Enriquez stated that he doesn't see the harm in tabling this ordinance until the next meeting.

There was some confusion from the floor regarding the motion and the second and its purpose.

The Clerk clarified for the record that:

Councilman Buchanan made a motion to close the public portion and adopt the ordinance.

A second was made by Councilwoman Kilpatrick, but only to close the public portion but to have further comment and discussion.

There were no other motions or seconds.

The Clerk further stated that there would need to be a second on Councilman Buchanan's motion to close the public portion and adopt.

The Borough Attorney agreed.

There was no second to Councilman Buchanan's motion to close and adopt.

Councilwoman Novak asked that there be motion be amended the motion and carry the vote on the ordinance until the next meeting, because if it is tabled it would have to be reintroduced next year.

Councilwoman Novak made a motion to carry the vote on this ordinance until the Dec. 16th meeting. Motion was seconded by Councilwoman Kilpatrick.

Roll Call:

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

Nay: Councilman Buchanan.

Councilwoman Novak said that now there should be a meeting scheduled between the two parties and Councilmembers to review and amend the ordinance or not.

Council President Buchanan called for the next order of business.

Deputy Clerk Morelos read the heading on the next two ordinances up for Public Hearing:

Public Hearing on Ordinance #478-19.

Council President Buchanan opened the meeting to the public for questions or comments on Ordinance #478-19.

There were no appearances.

Council President Buchanan 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 Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

ORDINANCE #478-19
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER V OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO
AMEND SECTION 5-5.6 a & b "POLITICAL SIGNS"

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 amending section 5-5.6 a and b as follows:

5-5.6 Political Signs

a. *Time Restriction.* No person shall, within the limits of the Borough, construct, erect, place or maintain, any sign, advertising or publicizing the candidacy of any individual for public office prior to thirty (30) days before any general, primary or school board or special election (also see sign schedule in 26-89.8 b).

b. *Removal Specification.* Any sign advertising or publicizing the candidacy of any person for public office erect within thirty (30) day of an election pursuant to "paragraph a" above must be taken down and removed no later than 11:59pm of the Saturday immediately following the election.

*c.

*d.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter 5-5.6- Political Signs** 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.

* Sections to remain

INTRODUCED/APPROVED ON FIRST READING DATED: November 12, 2019

/s/ Theresa A. Farbaniec, R.M.C.
Clerk of the Borough of Sayreville

/s/ Daniel Buchanan, Councilman
(Public Safety Committee)

ADOPTED ON SECOND READING DATED: November 25, 2019

/s/ Theresa A. Farbaniec, R.M.C.
Clerk of the Borough of Sayreville

/s/ Daniel Buchanan, Councilman
(Public Safety Committee)

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2019.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq., Borough Attorney

Public Hearing on Ordinance #479-19.

Council President Buchanan opened the meeting to the public for questions or comments on Ordinance #479-19.

There were no appearances.

**Council President Buchanan moved the Public Hearing be closed the Ordinance be adopted on second and final reading and advertised according to law.
Seconded by Councilwoman Kilpatrick.**

Roll Call: Councilpersons Buchanan, Dalina, Enriquez....

During the roll call, Councilwoman Novak stated that this ordinance has a fatal flaw. Stating that it reads that it only covers 50' on one side instead on

both sides. The police recommendation was to be fifty feet (50') on either side of the crosswalk. The one side left off is the most dangerous. She said that she would be okay with passing this tonight and then further amending at the first meeting in January.

- Side / change to read: Both Sides

Council President Buchanan rescinded his motion to adopt and made a motion that we hold over the vote until the next meeting. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #479-19
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION
7-3.3 "PARKING PROHIBITED AT ALL TIME ON CERTAIN STREETS
(Public Safety Committee – Co. Buchanan)

NEW BUSINESS: (None)

➤ **BOROUGH ATTORNEY - Michael DuPont** – (None)

➤ **BOROUGH ENGINEER - Jay Cornell**– (None)

Council President Buchanan opened the meeting up to the Public for questions or comments. Those appearing were:

- Tom Leach, Atco, NJ

Commented that he felt it would be beneficial for the Council to hear both sides of the Puppy Mill issue and report back to the Council.

Council President stated that he would be present.

- Larry Cohen, Fanwood NJ

Volunteer with the Humans Society of the United States

He said that Heart of the Puppy Mill Ordinance is Section 2.

He said that it would not allow any store now or in the future to sell dogs or cats.

It would welcome any kind of store like PetCo, Pet Smart, Pet Supplies, etc. Type of store that sell supplies, services. It just does not allow them to sell dogs and cats. He said that is their position that stores in NJ source their animals from Puppy Mills. He went on to explain where and how these people source their animals. Where the laws are lax, etc.

Councilwoman Novak asked that if someone were a breeder in NJ if they would have to live up to certain regulations for cleanliness, socialization? Response given by Mr. Cohen as to what a responsible breeder is.

No further questions or comments.

Councilwoman Novak made a motion to close the public portion. Seconded by Councilman Dalina.

Roll Call: Voice Vote, all Ayes.

ADJOURNMENT

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

NOVEMBER 25, 2019
REGULAR MEETING

Roll Call: Voice Vote, all ayes.

Time: 8:24 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved: _____