

RESOLUTION #2023-258

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.

Victoria Kilpatrick, Mayor

Daniel Balka, Councilman

Christian Onuoha, Councilman

Vincent Conti, Councilman

Donna Roberts, Councilwoman

Mary J. Novak, Councilwoman

John Zebrowski, Councilman

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.

Sean Kean, Esq., Borough Attorney

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|----------------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-259

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract through NJ State Contract T0106/17-Fleet-00738, for the purchase of six (6) In Car Video Systems from Axon Enterprise, Inc., 17800 N 85th Street, Scottsdale, AZ 85255 at a total cost not to exceed \$96,750.00.

Donna Roberts, Councilwoman
(Public Safety Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-260

WHEREAS, on November 8, 2021 the Borough of Sayreville awarded a contract for “HVAC Maintenance, Repairs & Replacement” to Merco Services, Inc. (formally Titan Mechanical); and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract; and

WHEREAS, Merco Services, Inc., has indicated their interest in extending their terms of the aforesaid contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for “HVAC Maintenance, Repairs & Replacement” is hereby renewed in an amount not to exceed \$70,650.00.

Vincent Conti, Councilman
(Public Works Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-261

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract through NJ State Contract T3087 18-DPP00173, for the purchase of one (1) Asphalt Hotbox Trailer from Trius, Inc., 5049 Industrial Rd., Farmingdale, NJ 07727 at a total cost not to exceed \$40,175.75.

Vincent Conti, Councilman
(Public Works Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-262

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract through Sourcewell Contract 093021-ELG, for the purchase of one (1) Elgin Eagle Street Sweeper from W.E. Timmerman Co., Inc. PO Box 71, Whitehouse, NJ 08888 at a total cost not to exceed \$435,406.38.

Vincent Conti, Councilman
(Public Works Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-263

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

John Zebrowski, Councilman
(Water & Sewer Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-264

**RESOLUTION AUTHORIZING THE AWARD
OF A NON-FAIR AND OPEN CONTRACT**

**RESOLUTION AUTHORIZING THE AWARD
OF A NON-FAIR AND OPEN CONTRACT**

WHEREAS, the Borough of Sayreville has a need to acquire membranes and related equipment, parts and accessories for the purpose of water filtration through a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

WHEREAS, *N.J.S.A. 40A:11-5* provides exceptions to the public bidding of certain contracts, specifically *N.J.S.A. 40A:11-5(gg)* a contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$44,000; and,

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

WHEREAS, Filmtec Corporation has indicated they will provide the necessary goods for the Borough of Sayreville; and

WHEREAS, Filmtec Corporation has completed and submitted a Business Entity Disclosure Certification which certifies Filmtec that 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 Filmtec Corporation 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 Filmtec Corporation 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.

John Zebrowski, Councilman
(Water & Sewer Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|----------------|--------------|--------------|--------------|---------------|----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-265

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 2023 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- DMHAS Youth Leadership Grant - \$5,000.00

SECTION 3.

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

Daniel Balka, Councilman
(Admin & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-266

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 2023 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- 2023 Municipal Alliance Grant - \$16,183.00
- Cash Match \$4,045.75

SECTION 3.

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

Daniel Balka, Councilman
(Admin & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-267

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: Kennedy Park Pedestrian Bridge Improvements – Phase II
- Contractor: Compass Construction
P.O. Box 191
New Egypt, NJ 08533
- Net Decrease: \$5,000.00
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

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

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

Vincent Conti, Councilman
(Public Works Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|---------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-268

**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: Kennedy Park Pedestrian Bridge Improvements – Phase II
- Contractor: Compass Construction
P.O. Box 191
New Egypt, NJ 08533
- Balance Due \$44,403.10

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 \$55,965.00 and the approval of same as to form and sufficiency by the Borough Attorney.

Vincent Conti, Councilman
(Public Works Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|----------------|-------|-------|-------|--------|---------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2023-269

AUTHORIZING THE APPOINTMENT OF THE FIRM OF MERCADIEN P.C., OF PRINCETON, NJ AS FORENSIC AUDITOR/ACCOUNTANT TO PERFORM A COMPREHENSIVE TEN (10) YEAR REVIEW OF THE ACTIVITIES OF THE SAYREVILLE ECONOMIC REDEVELOPMENT AGENCY (SERA) AND ANY BOROUGH DEPARTMENT AS DEEMED NECESSARY FROM 2012 TO 2022 AT A FEE NOT TO EXCEED \$25,000.00

WHEREAS, the Borough of Sayreville previously passed Resolution 2022-296 which authorized the Borough to advertise for Request for Professionals to conduct a special investigation which includes, among other things, conducting a forensic audit into the activities of the Sayreville Economic Redevelopment Agency (SERA) and other Borough Departments, as deemed necessary, from 2012 through 2022 at a cost not to exceed \$25,000.00 (twenty-five thousand dollars and zero cents); and,

WHEREAS, on August 16, 2023, the Borough received four (4) proposals, which are identified as follows:

| |
|--|
| Joseph A. DeLuca Advisory & Consulting Services LLC |
| Marcum Accountants & Advisors |
| Grassi Advisors & Accountants |
| Mercadien, P.C. |

WHEREAS, the Borough desires to appoint Mercadien, P.C. to conduct a comprehensive ten (10) year forensic audit and/or accounting of the activities of SERA and any Borough department, as may be deemed necessary, from 2012 through 2022 at cost not to exceed \$25,000.00 (twenty-five thousand dollars and zero cents).

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

1. The aforesaid recitals are hereby adopted and incorporated herein as if repeated in full herein; and,
2. Mercadien, P.C. is hereby by appointed as Forensic Auditor/Accountant to perform a comprehensive ten (10) year review of the activities of the Sayreville Economic Redevelopment Agency (SERA) and any Borough Department as deemed necessary from 2012 to 2022 at a fee not to exceed \$25,000.00 (twenty-five thousand dollars and zero cents); and,
3. The Mayor, Borough Clerk and any other applicable Borough officers or employees are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the terms of this resolution.

Daniel Balka, Councilman
(Admin. & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|----------------|--------------|--------------|--------------|---------------|----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

TO BE READ IN FULL

RESOLUTION #2023-270

RESOLUTION PROVIDING DELEGATION TO THE CHIEF FINANCIAL OFFICER OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY WITH RESPECT TO THE BONDS PREVIOUSLY AUTHORIZED IN THE PRINCIPAL SUM OF \$13,743,000 IN ORDER TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the Borough Council of the Borough of Sayreville, in the County of Middlesex, New Jersey (the "Borough"), has heretofore adopted a resolution authorizing bonds in the aggregate principal sum of \$13,743,000 (the "Bonds") to finance part of the cost of various capital improvements in the Borough (the "Resolution"); and

WHEREAS, the Resolution provides for the aggregate principal amount of the bonds to be issued, the bond ordinances being included in the bonds authorized, the maturity schedule of each such series of bonds, the average period of usefulness of the improvements or purposes being financed by each such series of bonds and other certain other matters related to the bonds; and

WHEREAS, in order to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), certain changes to the Resolution may need to be made to reduce the aggregate principal amount of the bonds, eliminate certain bond ordinances and adjust the average period of usefulness of the improvements or purposes and the maturity schedule for the bonds and the Borough Council of the Borough desires to delegate to the Chief Financial Officer of the Borough the authority to make such changes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY that:

Section 1. Prior to the distribution of the offering document and notice of sale for the Bonds, the Chief Financial Officer of the Borough is hereby authorized to (a) reduce the aggregate principal amount of the Bonds below \$13,743,000, (b) eliminate certain bond ordinances being funded with the proceeds of the Bonds, (c) adjust the average period of usefulness of the improvements or purposes being financed with the proceeds of the Bonds based upon the remaining bond ordinances, (d) adjust the maturity schedule for the Bonds, and (e) make such other changes as are deemed necessary in consultation with Bond Counsel and the Municipal Advisor to the Borough in order to comply with the requirements of the Code and for the interest on the Bonds to be tax-exempt from gross income of the holders thereof under the Code.

Section 2. Other than as set forth in Section 1 hereof, the Borough hereby ratifies in all respects all provisions of the Resolution.

Section 3. This resolution shall take effect immediately.

Daniel Balka, Councilman
(Admin. & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Victoria Kilpatrick
Mayor

| | Balka | Conti | Novak | Onuoha | Roberts | Zebrowski |
|----------------|--------------|--------------|--------------|---------------|----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |