

RESOLUTION #2023-310

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

Stanley Synarski, 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.

Borough Attorney

	Balka	Conti	Novak	Onuoha	Roberts	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-311

**AUTHORIZATION TO EXECUTE A SHARED PARKING & ACCESS
EASEMENT AGREEMENT WITH 1970 NJ RT 35 URBAN RENEWAL LLC
AND THE MORGAN FIRST AID SQUAD, INC.**

WHEREAS, 1970 NJ Rt. 35 Urban Renewal, LLC (“Grantor”) is the owner of certain real property located and designated on the Tax Map of the Borough of Sayreville as Block 425, Lot, 2.02; and

WHEREAS, the Borough is the owner of certain real property adjacent to the Grantor’s property and designated on the Tax Map of the Borough of Sayreville as Block 425, Lot, 2.01; and

WHEREAS, the Morgan First Aid Squad, Inc. (the “Grantee”), is a tenant leasing the Borough’s property to operate a volunteer rescue squad; and

WHEREAS, the Grantor received approvals from the Borough of Sayreville Planning Board to construct a self-storage facility on Grantor’s property, said approval occurring on June 7, 2023 and memorialized by Resolution on August 2, 2023; and

WHEREAS, as a condition of approval, the Grantor is required to provide Grantee access across Grantor’s property for purposes of accessing seven (7) designated shared parking spaces located on Grantor’s property; and

WHEREAS, the Borough, as owner of the neighboring property, is required to be a party to any access easement agreement between the Grantor and Grantee; and

WHEREAS, in consideration of the Borough’s involvement, the Grantor and Grantee each agreed to indemnify the Borough from any loss, liability claims, suits, costs and expenses arising out of negligence or misconduct in connection with the use of the easement area; and

WHEREAS, the Borough is desirous of entering into the aforementioned Shared Parking & Access Easement Agreement to afford itself of the indemnification protections set forth therein.

NOW, THEREFORE, BE IT RESOLVED, the Sayreville Borough Mayor and Borough Council hereby approve and authorize the Borough of Sayreville to execute the Shared Parking & Access Easement Agreement with 1970 NJ Rt. 35 Urban Renewal, LLC and Morgan First Aid Squad, Inc.

BE IT FURTHER RESOLVED, that all Borough officials including, but not limited to the Mayor, the Borough Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions 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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-312

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
RESOLUTION AUTHORIZING CONTINUED PARTICIPATION IN THE DEFENSE
LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO
ENABLE THE SAYREVILLE POLICE DEPARTMENT TO REQUEST AND ACQUIRE
EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the **MAYOR AND COUNCIL** of the **BOROUGH OF SAYREVILLE** that the **SAYREVILLE POLICE DEPARTMENT** is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31, 2024; and

NOW THEREFORE BE IT FURTHER RESOLVED that **BOROUGH OF SAYREVILLE POLICE DEPARTMENT** is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the **BOROUGH OF SAYREVILLE** without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that **THE BOROUGH OF SAYREVILLE POLICE DEPARTMENT** is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes: (See attached list)

BE IT FURTHER RESOLVED that the **BOROUGH OF SAYREVILLE LEA Official** shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the **BOROUGH OF SAYREVILLE LEA OFFICAL** shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect January 1, 2024 and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31, 2024.

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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-313

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a Memorandum of Understanding with the Port Authority of New York and New Jersey for use of the range as a weapons qualification, training and practice facility for police officers of the Port Authority Police Department.

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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-300

**RESOLUTION AUTHORIZING THE BOROUGH OF SAYREVILLE TO
ACCEPT A SUBGRANT AWARD OF THE FEDERAL
FISCAL YEAR 2023 OF EMERGENCY MANAGEMENT PERFORMANCE
GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

WHEREAS, the Borough of Sayreville Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY23-EMPG-EMAA-1219 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Borough of Sayreville will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2023 to June 30, 2024; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and note of award; and

WHEREAS, the Borough of Sayreville Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Council accepts the award of the FFY23 Emergency Management Performance Grant Program (EMPD), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-314

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2023 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>		
General Administration S&W (3-01-20-100-011)		11,000.00
Police OE (3-01-25-240-129)		47,000.00
Police S&W (3-01-25-240-011)		280,000.00
Public Buildings & Grounds OE (3-01-26-310-125)		5,000.00
Recreation OE (3-01-28-370-122)		5,000.00
Sewage Treatment S&W (3-01-31-455-014)		8,000.00
Tax Assessment OE (3-01-20-150-159)	10,000.00	
Legal OE (3-01-20-155-161)	36,000.00	
Zoning Board of Adjustment OE (3-01-21-185-185)	2,000.00	
Construction S&W (3-01-21-195-015)	10,000.00	
Group Insurance (3-01-23-220-195)	45,000.00	
Crossing Guard S&W (3-01-25-255-020)	20,000.00	
Magistrate & Prosecutor S&W (3-01-25-275-021)	15,000.00	
Traffic Control OE (3-01-25-280-228)	10,000.00	

Road Repair S&W (3-01-26-290-012)	10,000.00	
Road Repair OE (3-01-26-290-228)	10,000.00	
Garbage & Trash OE (3-01-26-305-249)	20,000.00	
Recycling OE (3-01-26-306-190)	15,000.00	
Buildings & Grounds S&W (3-01-26-310-016)	5,000.00	
Vehicle Maintenance S&W (3-01-26-315-015)	10,000.00	
Vehicle Maintenance OE (3-01-26-315-269)	15,000.00	
Office on Aging S&W (3-01-30-428-015)	5,000.00	
Sewage Treatment OE (3-01-31-455-239)	38,000.00	
Gasoline, Fuels & Lubes (3-01-31-460-315)	25,000.00	
Garbage Disposal – Landfill (3-01-32-465-314)	30,000.00	
FICA (3-01-36-472-317)	25,000.00	
	<u>356,000.00</u>	<u>356,000.00</u>

WATER OPERATING

Water Operating S&W (3-05-55-110-014)		40,000.00
Water Operating OE (3-05-55-110-171)	40,000.00	

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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-315

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: 2022 Roadway Paving & Reconstruction Project – Phase I
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Net Decrease: \$20,455.05
- 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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-316
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: 2022 Roadway Paving & Reconstruction Project – Phase I
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Balance Due \$9,924.39

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, THERFORE, 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 \$74,422.49 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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-317

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: Active Adult Center Parking Lot Improvements
- Contractor: Fischer Contracting, Inc.
10 Short Hills Lane
Scotch Plains, NJ 07076
- Net Decrease: \$27.20
- 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.

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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-318
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: Active Adult Center Parking Lot Improvements
- Contractor: Fischer Contracting, Inc.
10 Short Hills Lane
Scotch Plains, NJ 07076
- Balance Due \$3,282.72

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 \$24,620.44 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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-319

WHEREAS, on November 28, 2023 the Mayor and Council of the Borough of Sayreville received bids for the “French Street/Albert Street Roadway and Drainage Improvements”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 11th day of December, 2023 that:

1. Contract for the “French Street/Albert Street Roadway and Drainage Improvements” be awarded to Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 on their bid price of \$1,057,430.34 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities.

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	Synarski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2023-320

WHEREAS, there is office equipment, radio equipment and computer equipment no longer needed for public use by the Borough;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the above equipment is hereby authorized to be disposed of.

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	Synarski
Ayes						
Nays						
Abstain						
Absent						