

Council President Buchanan opened the Council Meeting at 7:02 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this February 8, 2016 Council Meeting has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

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

Absent: Kennedy O'Brien, Mayor

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

Others Absent: None

- **APPROVAL OF PRIOR MINUTES OF THE MAYOR AND COUNCIL:**

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

☒ December 14, 2015 - Grievance Hearing & Executive Session

Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **SWEARING IN:**

Municipal Clerk Farbaniec swore Police Officer Michael Pirigyi, followed by a few words from Police Chief John Zebrowski.

- **PRESENTATION:**

Certificates of Recognition presented to:

- **Courtney Moore** for his twenty years of dedicated service to the Borough of Sayreville
- **Martha Hartle** for her many years of dedicated service to the Human Relations Commission and Commission on Aging.

- **Frank Lucchesi, Regional Public Affairs Manager from PSE&G** and Sam Campanella, PSEG District Manager for Sayreville. They explained to the Governing Body and residents on a recently approved NJBPU Gas System Modernization Program. Also asked for a waiver of an Ordinance regarding roadway restoration. This work will replace aging cast iron main and bare steel in the gas delivery system. Looking to replace approx. 3.5 miles in Sayreville. Replacing the gas main service in the roads as well as the lateral feeds in project amount of \$4 million dollar. They are requesting the restoration fee be waived from curb to curb to a curb to 1-2' beyond the cuts and offered a guarantee.

Councilwoman Kilpatrick expressed concerns that after time when a roadway is replaced depressions, may occur and asked how long they willing to guarantee the work. Mr. Frankel said that after conversations with the engineer and PSE&G that the borough would be requesting a 5 year guarantee.

PSE&G Agreed.

Comments made by the borough attorney regarding what would be needed for the waiver. The borough engineer stated a resolution would be necessary granting a waiver to the Ordinance and requiring them to guarantee the work for a 5 year term.

- **OLD BUSINESS**

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

The Clerk Read the heading for Public Hearing on Ordinance #318-16. Council President Buchanan opened the meeting to the public for questions or comments on **Ordinance #318-16**.

There were no appearances.
 Councilwoman Novak moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilman Grillo.

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

ORDINANCE #318-16
AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2014, 2015 AND 2016
 (Admin. & Finance Committee)

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville as follows:

Section 1. The following annual salaries be and the same are hereby established for the following Borough Officials, officers and employees as per Schedules annexed hereto and made a part hereof.

Borough of Sayreville - AFSCME Salary & Wage Schedules

2015

Maintenance Worker 2, Grounds

A	B	1	2	3	4	5	6	7	8
39,715.00	41,780.00	43,952.00	52,742.00	56,434.00	60,384.00	62,799.00	65,939.00	68,901.00	69,590.00

Records Support Tech 3

A	B	1	2	3	4	5	6	7	8
42,393.00	44,627.00	46,974.00	55,428.00	57,510.00	59,597.00	60,711.00	61,844.00	62,967.00	64,094.00

Clerk 4

A	B	1	2	3	4	5	6	7	8
44,849.00	47,206.00	49,692.00	56,068.00	57,470.00	58,907.00	59,902.00	62,454.00	65,006.00	66,801.00

2016

Maintenance Worker 2, Grounds

A	B	1	2	3	4	5	6	7	8
40,752.00	42,965.00	45,150.00	55,286.00	59,207.00	63,073.00	64,753.00	66,219.00	69,419.00	72,834.00

Records Support Tech 3

A	B	1	2	3	4	5	6	7	8
43,241.00	45,520.00	47,913.00	56,537.00	58,660.00	60,789.00	61,925.00	63,081.00	64,226.00	65,376.00

Clerk 4

A	B	1	2	3	4	5	6	7	8
45,746.00	48,150.00	50,685.00	57,189.00	58,619.00	60,085.00	61,100.00	63,703.00	66,306.00	68,137.00

Section 2. All ordinance or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as required by law.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

The Clerk Read the heading for Public Hearing on Ordinance #319-16. Council President Buchanan opened the meeting to the public for questions or comments on **Ordinance #319-16**.

There were no appearances.

Councilman Grillo 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, Grillo, Kilpatrick, Lembo, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE # 319-16
AN ORDINANCE OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AMENDING THE WATERFRONT REDEVELOPMENT PLAN AND MASTER PLAN

WHEREAS, at the June 8, 2015 Council Meeting correspondence from SERA (Sayreville Economic Redevelopment Agency) requesting a change in the minimum age requirement for block 330.04, Lot 1.01 in Parcel J was introduced and after discussions the Governing Body referred the request to the Planning Board of the Borough of Sayreville; and

WHEREAS, on July 15, 2015 the Planning Board of the Borough of Sayreville the Board voted unanimously to amend the Redevelopment Plan to change the minimum age requirement for Block 330.04, Lot 1.01 in Parcel J from 62 to 55; and

WHEREAS, the Mayor and Council have accepted the recommendation of the Planning Board; and

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Permitted Principal Uses, Accessory Uses, and Standards described on page 17 of the Waterfront Redevelopment Plan are hereby amended as follows:

SECTION 1. The Parcel Standards for Parcels D through K, specifically the Permitted Principal Uses, Accessory Uses, and Standards described on page 17 of the Waterfront Redevelopment Plan are hereby amended by deleting the text by way of a strikethrough and inserting the text marked in bold to read as follows:

Permitted Principal Uses:

- Office
- Warehousing and distribution
- Light Industrial and manufacturing use subject to compliance with performance standards
- Public Use
- Park and Ride Facility

- Market Rate rental senior housing for occupants aged ~~62~~ **55** and over shall be permitted on Block 330.04, Lot 1.01 in Parcel J.

SECTION 2. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions are hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

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

ATTEST:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED AS TO FORM:

/s/Michael DuPont, Esq.
Borough Attorney

The Clerk Read the heading for Ordinance #320-16 for Public Hearing and the Council President Buchanan opened the meeting to the public for questions or comments on **Ordinance #320-16**.

There were no appearances.

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

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

ORDINANCE #320-16

**CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

(Admin. & Finance Committee)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Sayreville in the County of Middlesex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$1,456,507.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sayreville, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Sayreville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 1,456,507.00, and that the CY 2016 municipal budget for the Borough of Sayreville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

ATTEST:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED AS TO FORM:

/s/Michael DuPont, Esq.
Borough Attorney

The Clerk Read the heading for Public Hearing on Ordinance #321-16. Council President Buchanan opened the meeting to the public for questions or comments on **Ordinance #321-16**.

There were no appearances.

Council President 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.

Discussion - between Councilman Rittenhouse and Council President Buchanan and the wording in the ordinance regarding the discussion portion of the council and when an ordinance can be amended or stricken.

Borough Attorney DuPont stated that this Ordinance simply clarifies that the person bringing the Ordinance for approval be called upon first for their vote then followed by alphabetical Roll Call.

Further discussion between Councilman Rittenhouse, the Borough Attorney and Councilwoman Novak.

Roll Call: Ayes: Councilpersons Buchanan, Grillo, Kilpatrick, Novak = 4 Ayes
Nays: Councilpersons Lembo & Rittenhouse = 2 Nays

ORDINANCE #321-16
AN ORDINANCE AMENDING
THE REVISED RULES OF ORDER OF COUNCIL
OF THE BOROUGH OF SAYREVILLE

Section 8. When a motion has been made, and seconded, it shall be stated by the presiding officer before it is open for discussion, and after thus being stated it shall be deemed to be in possession of the Board, ~~but may be withdrawn or amended by the mover at any time before discussion~~, the Borough Clerk will proceed to take the vote, beginning with the vote of the mover, and then proceed to take the votes of each member in alphabetical order from the name of the mover.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex that the Revised Rules of Order of the Council of the Borough of Sayreville shall also be amended to reflect such 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, Council President
Sponsor

ATTEST:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED AS TO FORM:

/s/Michael DuPont, Esq.
Borough Attorney

• **NEW BUSINESS:**

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

ORDINANCE #322-16
AN ORDINANCE APPROPRIATING \$150,000.00
FOR VARIOUS IMPROVEMENTS TO THE SANITARY SEWER SYSTEM
FOR AND BY THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, NEW JERSEY

(Water & Sewer Committee – Public Hearing Feb. 22, 2016)

Councilman Rittenhouse moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on February 22, 2016. Motion seconded by Councilwoman Novak.

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

ORDINANCE #323-16
AN ORDINANCE SUPPLEMENTING AND AMENDING
CHAPTER XIII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 13-7.3

Clothing Donation Bins
(Public Works Committee – Public Hearing Feb. 22, 2016)

Councilwoman Kilpatrick moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on February 22, 2016. Motion seconded by Councilwoman Novak.

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

ORDINANCE #324- 16
AN ORDINANCE SUPPLEMENTING AND AMENDING
CHAPTER II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE SECTION 2-33.6
Amend Green Team Chapter Location in Code
(Public Works Committee – Public Hearing Feb. 22, 2016)

Councilwoman Kilpatrick moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on February 22, 2016. Motion seconded by Councilwoman Novak.

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

CONSENT AGENDA/RESOLUTIONS

Council President Buchanan opened the meeting to the public for questions or comments on the consent agenda items.

Those appearing were:

- Jim Brown, 854 Sycamore Dr., Tinton Falls, NJ
Representing AlTec Building Systems, Geopeak Energy
- Regarding Resolution #2016-51
He said that they are a proposer for the Solar Panels at the Bordentown Avenue Water Treatment Facility. This resolution is awarding the contract to a different vendor. He explained their proposal and feel they offer much more savings and options and lower risk and why.
He requested that before this award that their proposal be more fully evaluated.
- Barbara Kilcomons, 22 Schmitt Street
- Commented that this Resolution be tabled and a more extensive review be made.
- Questioned Resolution #2016-53 and thought that it was previously decided that SERA meet in this room and the meetings be televised.
- Michael D’Addio, SERA Chairman
- Stated that he was not in attendance at the last meeting and asked what the decision of the governing body was regarding where they wanted them to hold the SERA meetings.

Response by the Borough Attorney that the Resolution was that all boards hold their meetings in the chambers, Room 310 or 308 for transparency. He said he also spoke with Mr. Baker on this matter.

Mr. D’Addio said that the governing body does not have the authority to tell them where they hold their meetings. He said that they are in favor of being televised but want to meet in Room 308. Insisted that there be a switch to turn the camera off for executive sessions.

- Councilman Grillo asked the Engineer if he was familiar with the proposals submitted for the Solar Panel project and why his firm was not chosen for the project.

Mr. Cornell explained the review and recommendation.

Mr. DuPont cautioned the governing body on the discussion in light that there may be a bid objection or complaint filed. The question to the engineer should be is what your recommending in the best interests of the borough residents.

Mr. Cornell stated that is correct and for the council's information – He said that Mr. Kronowski, Mr. Frankel, Mr. Samuel and himself had interviews with both proposers for the project and he explained their review and why they are recommending Power Grid Capital.

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

Further discussion by Councilwoman Novak stating that she did not care what room SERA meets in. She would work hard at providing a camera with a kill switch for when the go into closed session.

Councilwoman Kilpatrick spoke about transparency and that it reads all boards and commissions and understands that Room 308 is a better fit for SERA to meet in and agrees with Mr. D'Addio's comments.

The Clerk said that was the wording in the heading of the resolution but the body read Planning, Zoning & SERA be recorded and televised.

Councilwoman Kilpatrick said that for transparency it should be for all boards and commissions and would like to see that done.

Council President stated that this matter had been discussed in the past but now we are looking to adopt the resolution and instructed Dan Frankel and Tom Bracken to work on getting that camera in 308 as well.

Roll Call on Consent Agenda Resolutions:

Ayes: Councilpersons Novak, Buchanan, Grillo Ayes with the exception to Resolution #2016-48 and #2016-53 he will vote no on those two items, Kilpatrick, Lembo, Novak, Rittenhouse.

CONSENT AGENDA/RESOLUTIONS

RESOLUTION #2016-44

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/ Absent
Mayor

/s/ Daniel Buchanan
Councilman

/s/ Pasquale Lembo
Councilman

/s/ Steven Grillo
Councilman

/s/ Mary J. Novak
Councilwoman

/s/ Victoria Kilpatrick
Councilwoman

/s/ Arthur Rittenhouse
Councilman

Bill list of February 8, 2016 in the amount of \$11,297,979.68 in a separate Bill List File for 2016 (See Appendix Bill List 2016-A for this date).

RESOLUTION 2016-45

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

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Audit Services (1135-111-2-2010)	\$ 15,000	\$
Legal Services (1155-130-2-3110)		15,000
Group Insurance (1220-205-2-8010)	230,000	
Police Department (1240-310-1-1003) (1240-310-1-1303)	250,300 100,000	
Fire Department (1265-301-2-14110)		10,000
Fuel & Lubes For Municipal Vehicles (1460-415-2-9170)	119,000	
Middlesex County Utilities Authority (2455-520-2-16060)		689,300
	<u>\$ 714,300</u>	<u>\$ 714,300</u>

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec
Municipal Clerk

/s/Daniel Buchanan
Council President

RESOLUTION 2016-46

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY
FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF
CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to apply for funding of approximately \$60,000.00 with a match of \$294,448.00 for an approximate project total cost of \$354,448.00 for a project under the State of New Jersey called Safe and Secure Communities Grant Program; and

WHEREAS, the Mayor and Council of the Borough of Sayreville has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Sayreville for the purpose described in the application;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that:

1. As a matter of public policy the Borough of Sayreville wishes to participate to the fullest extent possible with the Department of Law & Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-47

A RESOLUTION AUTHORIZING THE USE OF THE COMPETITIVE CONTRACTING PROCESS AND THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A POLICE EXTRA DUTY MANAGEMENT SYSTEM

WHEREAS, the Borough of Sayreville seeks to acquire proposals for a Police Extra Duty Detail Management system as authorized by P.L. 2007, c. 348; and

WHEREAS, under the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-4.1, in lieu of public bidding, competitive contracting may be used for specialized goods or services defined therein, including the purchase or licensing of proprietary computer hardware and software and the operation of concessions; and

WHEREAS, the provision of proprietary equipment for Police Off-Duty Detail Management system and operation thereof qualify as goods and services that may be procured through competitive contracting pursuant to N.J.S.A. 40A:11-4.1(b)(2); and

WHEREAS, pursuant to law, the use of competitive contracting must be authorized by resolution,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sayreville that the Business Administrator and other proper Borough officials are hereby authorized to utilize the competitive contracting process permitted under N.J.S.A. 40A:11-4.1 et seq. in procuring proposals for a Police Extra Duty Detail Management system authorized by P.L. 2007, c. 348.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:11-4.5, the Borough Clerk is directed to publish notice of the availability of the request for proposals in an official newspaper of the Borough at least 20 days prior to the date established for the submission of proposals.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-48

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a shared services agreement with the County of Middlesex to provide Goose Control Services in Sayreville Parklands at a fee not to exceed \$9,690.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-49

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 in Closeout Contract Change Order No. 2:

- Project: Bordentown Avenue Water Treatment Plant Expansion
- Contractor: Allied Construction Group, Inc.
499 Washington Road
Parlin, NJ 08859
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed with no change in contract amount of \$13,808,968.97

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 Closeout 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.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2015-50
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: Bordentown Avenue Water Treatment Plant Expansion
- Contractor: Allied Construction Group, Inc.
499 Washington Road
Parlin, NJ 08859

- Balance Due \$276,179.38

WHEREAS, the Borough Engineer has issued a certificate certifying to the completion of the work and recommending payment subject to the final approval from the New Jersey Department of Environmental Protection; and

WHEREAS, due to the fact that that this facility has been operational and substantially complete for over two years the Maintenance Bond requirement is hereby waived; 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.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-51

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE
AWARD OF A CONTRACT TO BORDENTOWN AVENUE
WATER TREATMENT PLANT SOLAR ENERGY SAVINGS PROJECT**

WHEREAS, on December 29, 2015 the Governing Body of the Borough of Sayreville received proposals for the Bordentown Avenue Water Treatment Plant Solar Energy Savings Project ; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 8th day of February, 2016 that:

1. Contract for the "Bordentown Avenue Water Treatment Plant Solar Energy Savings Project" be awarded to Power Grid Capital, LLC, 225 North Route 303, Suite 101, Congers, New York 10920 on their bid price of \$.090 per kWh with a 75% escalation rate as it appears on copy of bid document attached hereto and made a part hereof.

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

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-52

WHEREAS, Minteq International, Inc., owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2012, 2013, 2014 and 2015 affecting Block 9, Lot 1 commonly known as Bordentown Avenue; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Minteq International, Inc., duly recommend the following:

- Appeal of 2012 will be withdrawn
- Appeal of 2013 be reduced to 2,150,000
- Appeal of 2014 be reduced to 2,150,000
- Appeal of 2015 be reduced to 2,000,000
- As part of settlement, 2016 to be set at 1,700,000

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville as follows:

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.
2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-53

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, MEMORIALIZING REQUIRING
BOARDS AND COMMISSIONS TO MEET IN ROOM 310 OR
COUNCIL CHAMBERS**

WHEREAS, the Governing Body of the Borough of Sayreville at its January 26, 2016 meeting discussed the benefits of recording each meeting of the Borough's Planning and Zoning Boards and the Sayreville Economic Redevelopment Agency (SERA); and

WHEREAS, the Governing Body of the Borough of Sayreville is satisfied that video and audio recordings of all meetings of the Borough's Planning and Zoning Boards and SERA will be beneficial to the residents of the Borough of Sayreville.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Planning and Zoning Boards and SERA are hereby requested to audio and video record its meetings in either

the Borough's conference rooms or the Council Chambers.

/s/ Arthur Rittenhouse, Councilman
(Sponsor)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-54

BE IT AND IT IS HEREBY RESOLVED that Larry Sachs is hereby authorized to join in the Class Action Lawsuit regarding the COAH Judgement to cover expert and litigation expenses at a fee not to exceed \$2,500.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2016-55

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONSULTING ENGINEERING SERVICES FOR BOROUGH WIDE RADIO SERVICES

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, V-COMM Telecommunications Engineering has submitted a proposal on January 26, 2016 indicating they will provide the plans and specification and review proposals submitted for the Borough Wide Radio Services for a fee not to exceed \$31,000.00; and

WHEREAS, V-COMM Telecommunications Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that V-COMM Telecommunications Engineering 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 V-COMM Telecommunications 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 by the Mayor and Council of the Borough of Sayreville on this 8th day of February 2016 that authorizes the Business Administrator to enter into a contract with V-COMM Telecommunications Engineering 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. and,

BE IT FURTHER RESOLVED that pursuant to law, the Borough Clerk is directed to publish a notice of the award in an official newspaper of the Borough of Sayreville within ten days of the award.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

PUBLIC PORTION

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

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
Commented on SERA and the number of tax exemptions given and the number of closed session that are held during their meetings. She felt that SERA has to be accountable and has nothing personal against Mr. D'Addio.

Response by Councilwoman Kilpatrick and transparency.

- Michael D'Addio,
 - Stated that SERA does not grant anything they make recommendations to the Mayor and Council or the Planning Board.
 - Items for Closed session are read in the Resolution.
 - He also commented that the Zoning Board is the most powerful board as they make decision. The Planning Board does not nor does SERA.
- Barbara Kilcomons, 22 Schmitt Street
 - SERA should hold meeting in 310 not 308 and agrees that SERA makes recommendations to the council and planning board but feels that they go along with whatever SERA recommends.

Councilwoman Novak moved the public portion be closed. Motion seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION - None**
- **ADJOURNMENT**

No further discussion and No further business.

Council President Buchanan called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:00 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved