

Mayor Kennedy O'Brien opened the Council Meeting at 7:04 PM. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this February 27, 2017 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,
Melendez, Novak,

Absent: None

Others Present: Kennedy O'Brien, Mayor
Daniel E. Frankel, Business Administrator
Theresa A. Farbaniec, Municipal Clerk
Michael DuPont, Esq., Borough Attorney
Jay Cornell, P.E., Borough Engineer

Others Absent: Wayne A. Kronowski, C.F.O./Treasurer

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

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

☞ February 13, 2017 - Regular & Agenda Sessions

Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **SWEARING IN**

Before Police Chief Zebrowski introduced the new police officers and talked about stewardship and how these two individuals served stewardship in our community and now will as police officers.

Clerk administered the Oaths of Office to:

- Patrolman Glenn Wagner
- Patrolman Eric Fischer

Mayor called for the next order of business.

- **PROCLAMATION & PRESENTATION:** (None)

- **OLD BUSINESS**

- a) Executive Session – Time 7:12 P.M.
Discussion on COAH Ordinances and
Fair Share Element Compliance Settlement Agreement

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION:**

At this time the Borough Attorney announced that there is a need to go into Closed Session.

- 10 minutes / Tax Litigation & Personnel

Mr. DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

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

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

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 15 minutes to discuss the following matters:

Litigation

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

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

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

/s/ Daniel Buchanan, Councilman

APPROVED:

/s/ Kennedy O'Brien, Mayor

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

Roll Call: Voice Vote, All ayes.
Carried. Time: 7:12 PM

• **RECONVENE – 8:09 PM**

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

Roll Call: Voice Vote, all Ayes.

Mayor O'Brien called upon Larry Sachs the COAH Attorney to come forward and talk about the COAH Ordinances and Sayreville obligations.

Mr. Sachs said that we just came out of Closed Session to discuss what potentially would happen at the next Council meeting, which would be the introduction of ordinances which would effectuate the COAH settlement which the municipality entered into last year. He said that Mr. Leoncavallo worked on putting the necessary ordinances together and enabling ordinances with respect to that. He explained that there are 10 properties that are part of the COAH settlement and that some of the properties will require a change in density. But the expectation is that the governing body will review those ordinances prior to first reading on March 13th, followed by public hearing at the next council meeting. He said that he advised the council that there is a court compliance hearing on March 29th at 1:30 as to the settlement and that any member of the public would be afforded the opportunity to speak on the settlement at that time in front of Judge Natali.

Mr. Sachs reminded the council that this was approved and signed last summer. He reminded them that the number of units that the Fair Share Housing Council is looking for is Sayreville to provide is in excess of 1,350 affordable units and the ultimate number they were able to negotiate was 778

units of which half are coming from The Point. Twenty-two units are coming from Chase Partners and received bonus credits for this project as well as a number of units are proposed for the River Road Redevelopment Area. So there are only a few private sites that are part of the settlement agreement of which this council will have to deal with a change in density.

Councilwoman Kilpatrick said that in her notes that there would be two properties re-zoned. Mr. Sachs said that you are rezoning the ones that included density because you are revising the zoning ordinance. Two of the sites actually do have residential elements in the zone but there are also some non-residential elements that would have to be changed. Mayor thanked Mr. Sachs and called for New Business.

b) Public Hearing on the following Ordinance: (None)

- **NEW BUSINESS:**

a) Clerk announced the Introduction of the following Ordinance(s):

ORDINANCE # 351-17
**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",
TO AMEND SUBSECTION 2-25, "COMMUNITY DEVELOPMENT
BLOCK GRANT ADMINISTRATOR" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SAYREVILLE**
(Co. Buchanan, Sponsor - Public Hearing March 13, 2017)

Council President Buchanan moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on March 13, 2017. Motion was seconded by Councilwoman Novak.

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

Nays: None.

Borough Attorney DuPont asked that **Ordinance #352-17 be pulled from the agenda and introduced on another occasion** in order for Sgt. Bartlinski to address some questions and requested a conference call between himself and the Business Administrator. Mayor asked if there were any objections to having this removed to a later date. There were none.

Mayor said that there being no objections, Ordinance #352-17 is hereby removed from the agenda.

ORDINANCE # 352-17
Removed from the Agenda to a later date.
**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VIII SECTION 14 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SAYREVILLE
"WRECKERS"**

- **CONSENT AGENDA/RESOLUTIONS**

START HERE

At this time the Mayor opened the meeting for questions or comments on Consent Agenda Resolutions. There were no appearances. Mayor O'Brien called for a motion.

Councilman Buchanan moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Motion was seconded by Councilwoman Novak.

Roll Call on Consent Agenda Resolutions:

Discussion on Resolution #2017-068, that the truck in this resolution does not contain the snow plow that was discussed at the last meeting. Mayor asked if everyone was in agreement with removing Resolution #2017-068. There were no objections made.

Council President Buchanan amended his motion to approve all Resolutions and remove #2017-068. Seconded by Councilwoman Novak.

Roll Call: Ayes: Councilpersons Buchanan, Grillo except Resolution #2017-069,
Kilpatrick, Lembo, Melendez, Novak
Nays: Councilman Grillo – Resolution #2017-069.

RESOLUTION #2017-059

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

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

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

/s/Daniel Buchanan
Councilman Daniel Buchanan

/s/Pasquale Lembo
Councilman Pasquale Lembo

/s/Steven Grillo
Councilman Steven Grillo

/s/Ricci Melendez
Councilman Ricci Melendez

/s/Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

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

**Bill list of February 27, 2017 in the amount of \$9,860,504.92
in a separate Bill List File for 2016 (See Appendix Bill List 2017-A for this date).**

RESOLUTION #2017-060

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF NW FINANCIAL GROUP, LLC
AS FINANCIAL ADVISORS FOR 2017
OF THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 Meeting appointing the firm of NW Financial, Group, LLC as the Financial Advisors for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2017;

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the services of professional financial advisor services associated with the issuance of Municipal Bonds; and

WHEREAS, the Laws of New Jersey provide for such services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, in accordance with the "Fair and Open Process" the Borough of Sayreville publically advertised for a Request for Qualifications for this and various other Professional Services; and

WHEREAS, said RFQ's were received in the Office of the Municipal Clerk no later than 12 noon on November 30, 2016.

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the "fair and open process" which has included public solicitation of qualifications for **PROFESSIONAL FINANCIAL ADVISOR**; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et. seq.) requires a resolution authorizing such appointment as “Professional Services”.

BE IT AND IT IS HEREBY RESOLVED that on February 13, 2017 the Governing Body of the Borough of Sayreville:

1. Appointed the firm of NW Financial Group, LLC as financial advisors for professional financial advisor services associated with the Borough of Sayreville issuing Municipal Bonds; and

2. That the services to be rendered by NW Financial Group, LLC shall be in compliance with the Laws of New Jersey.

3. A copy of this Resolution certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

BE IT FURTHER RESOLVED that NW Financial Group, LLC are hereby directed to prepare a written contract to be executed by said NW Financial Group, LLC and the appropriate Borough officials which shall contain the following:

- Hourly Rate to be charged for the work assigned
- What the retainer fee covers
- A provision that a “not to exceed” amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward to true copy of this resolution the firm of **NW Financial Group, LLC**, the Borough Business Administrator and the C.F.O.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-061
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF PARKER, IBRAHIM & BERG AS
SPECIAL COUNSEL – ABC MATTERS FOR 2017

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 meeting appointing the firm of Parker, Ibrahim & Berg as Special Counsel- ABC Matters for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2017;

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the professional services of an attorney to advise the Mayor and Council on various Alcoholic Beverage Control matters pertaining to the Borough; and

WHEREAS, the Laws of New Jersey provide for such services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, in accordance with the “Fair and Open Process” the Borough of Sayreville publically advertised for a Request for Qualifications for this and other various other Professional Services; and

WHEREAS, said RFQ’s were received in the Office of the Municipal Clerk no later than 12 noon on November 30, 2016.

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the “fair and open process” which has included public solicitation of qualifications for **SPECIAL COUNSEL-ABC MATTERS**; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et. seq.) requires a resolution authorizing such appointment as “Professional Services”.

BE IT AND IT IS HEREBY RESOLVED that on February 13, 2017 the Governing Body of the Borough of Sayreville:

1. Appointed the firm of **Parker, Ibrahim & Berg** as Special Counsel for ABC Matters for a term of one year and terminating on December 31, 2017; and
2. That the services to be rendered by Parker, Ibrahim & Berg shall be in compliance with the Laws of New Jersey.
3. This appointment is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional licensed and regulated by law.
4. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

BE IT FURTHER RESOLVED that said Special Counsel covering ABC Matters is directed to prepare a written employment contract to be executed by the Special Counsel and the Borough and shall include the following:

- Hourly Rate to be charged for the work assigned
- What the retainer fee covers
- A provision that a “not to exceed” amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward to true copy of this resolution the firm of **Parker, Ibrahim & Berg**, the Borough Business Administrator and the C.F.O.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-062
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF SCHAIN, SCHAFFER & RAFANELLO, PC AS
SPECIAL COUNSEL – CERTAIN SELECTED ABC MATTERS FOR 2017

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 meeting appointing the firm of Schain Schaffer & Rafanello, PC as Special Counsel- covering certain outstanding ABC Matters for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2017;

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the professional services of an attorney to advise the Mayor and Council on various Alcoholic Beverage Control matters pertaining to the Borough; and

WHEREAS, the Laws of New Jersey provide for such services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, in accordance with the “Fair and Open Process” the Borough of Sayreville publically advertised for a Request for Qualifications for this and other various other Professional Services; and

WHEREAS, said RFQ’s were received in the Office of the Municipal Clerk no later than 12 noon on November 30, 2016.

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the “fair and open process” which has included public solicitation of qualifications for **SPECIAL COUNSEL-CERTAIN SELECTED ABC MATTERS**; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et. seq.) requires a resolution authorizing such appointment as “Professional Services”.

BE IT AND IT IS HEREBY RESOLVED that on February 13, 2017 the Governing Body of the Borough of Sayreville:

1. Appointed the firm of **Schain, Schaffer & Rafanello, PC** as Special Counsel for certain ABC Matters for a term of one year, terminating on December 31, 2017; and
2. That the services to be rendered by Schain, Schaffer & Rafanello, PC shall be in compliance with the Laws of New Jersey.
3. This appointment is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional licensed and regulated by law.
4. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

BE IT FURTHER RESOLVED that said Special Counsel covering Special ABC Matters is directed to prepare a written employment contract to be executed by the Special Counsel and the Borough and shall include the following:

- Hourly Rate to be charged for the work assigned
- What the retainer fee covers
- A provision that a “not to exceed” amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward to true copy of this resolution the firm of **Schain, Schaffer, Rafanello, PC**, the Borough Business Administrator and the C.F.O.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-063
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF INGLESINO, WEBSTER, SYCIKALA & TAYLOR, LLC, PC AS
SPECIAL COUNSEL - OTHER MATTERS FOR 2017

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 meeting appointing the firm of **Inglesino, Webster, Sycikala & Taylor, LLC** as **Special Counsel - Other Matters** for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2017;

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the professional services of an attorney to advise the Mayor and Council on various matters pertaining to the Borough; and

WHEREAS, the Laws of New Jersey provide for such services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, in accordance with the “Fair and Open Process” the Borough of Sayreville publically advertised for a Request for Qualifications for this and other various other Professional Services; and

WHEREAS, said RFQ’s were received in the Office of the Municipal Clerk no later than 12 noon on November 30, 2016.

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the “fair and open process” which has included public solicitation of qualifications for **SPECIAL COUNSEL-OTHER MATTERS**; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et. seq.) requires a resolution authorizing such appointment as “Professional Services”.

BE IT AND IT IS HEREBY RESOLVED that on February 13, 2017 the Governing Body of the Borough of Sayreville:

1. Appointed the firm of **Inglesino, Webster, Sycikala & Taylor, LLC** as Special Counsel – Other Matters for a term of one year, terminating on December 31, 2017; and
2. That the services to be rendered by **Inglesino, Webster, Sycikals & Taylor, LLC** shall be in compliance with the Laws of New Jersey.
3. This appointment is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional licensed and regulated by law.
4. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

BE IT FURTHER RESOLVED that said Special Counsel is directed to prepare a written employment contract to be executed by said Special Counsel and the Borough and shall include the following:

- Hourly Rate to be charged for the work assigned
- What the retainer fee covers
- A provision that a “not to exceed” amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward to true copy of this resolution the firm of **Inglesino, Webster, Sycikala & Taylor, LLC** the Borough Business Administrator and the C.F.O.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-064
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF WEINER LESNIAK, LLC AS
LITIGATION COUNSEL FOR 2017

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 meeting appointing the firm of **Weiner Lesniak, LLC as Litigation Counsel** for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2017;

WHEREAS, the Governing Body of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Attorney for **Litigation Matters** to advise the Mayor and Council on any and all of these legal matters as they pertain to the Borough; and

WHEREAS, the Laws of New Jersey provide for the appointment of an Attorney for these matters; and

WHEREAS, funds are available for this purpose;

WHEREAS, in accordance with the "Fair and Open Process" the Borough of Sayreville publically advertised for a Request for Proposals and Qualifications for this and various other Professional Services; and

WHEREAS, RFP's were received in the Office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the "Fair and Open Process" which has included public solicitation of qualifications for **Litigation Counsel**; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires a resolution authorizing such appointments as "Professional Services".

NOW, THEREFORE, BE IT RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 meeting appointing the firm of Weiner Lesniak, LLC as **Litigation Counsel** for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2017;

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Sayreville, as follows:

1. That the services to be rendered by said Litigation Counsel shall be in compliance with the Laws of the State of New Jersey.

2. This appointment is made in accordance with the "Fair and Open Process" as a "professional service" under provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized profession licensed and regulated by law.

3. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

BE IT FURTHER RESOLVED that Weiner Lesniak, LLC is hereby directed to prepare a written employment contract to be executed by both parties and shall include the following:

- Hourly Rate to be charged for the work assigned
- What the retainer fee covers
- A provision that a "not to exceed" amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and the same is hereby authorized to forward to true copy of this resolution to Weiner Lesniak, LLC, the Borough Business Administrator and the C.F.O.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-065

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 13, 2017 Council Meeting authorizing the execution of a contract with JFK Medical Center of Edison, NJ for Occupational Health Services for the Borough of Sayreville in accordance with their proposal submitted.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION NO. 2017-066

**RESOLUTION OF THE SAYREVILLE BOROUGH COUNCIL IN ITS
CAPACITY AS LOCAL ABC BOARD RELAXING CONDITION NO. 17
OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1219-33-058-007**

WHEREAS, Pure Event Center, Inc. (the "Licensee") is the holder of Plenary Retail Consumption License No. 1219-33-058-007 (the "License"), for premises known as 1970 Route 35 South, Sayreville, New Jersey 08872 (the "Licensed Premises"); and

WHEREAS, Condition No. 17 of the License restricts the use of the Licensed Premises for the sale and consumption of alcohol to the upstairs floor only; and

WHEREAS, the Licensee has requested that the Borough Council of the Borough of Sayreville (the "Council"), in its capacity as the local ABC Board, relax Condition No. 17 of the License to allow for the sale and consumption of alcohol to include the basement and first floor of the Licensed Premises, as was approved by the Planning Board of the Borough of Sayreville by Resolution dated October 5, 2016; and

WHEREAS, under the laws of the State of New Jersey, special conditions imposed on a licensee may be relaxed at any time during the license term by resolution of the licensing authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby approves the relaxation of Condition No. 17 of Plenary Retail Consumption License No. 1219-33-058-007, for the year July 1, 2016 through June 30, 2017.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-066 / EXHIBIT A

CONDITIONS ON P.R.C.L. #1219-33-058-007
PURE EVENT CENTER, INC.

Revised Feb. 27, 2017

1. Licensee shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This measure is intended to address the Mayor and Council's previous finding that drug activity was noted on the Licensed Premises and in recognition of the fact that a practice of allowing patrons to exit and then re-enter the Licensed Premises facilitates drug activities by providing an opportunity for such persons to retrieve contraband from their vehicles for use and/or distribution inside and adjacent to the Licensed Premises. Additionally, this measure is intended to alleviate the problem of patrons loitering in and around the parking lot during Licensee's operating hours and engaging in illegal, disorderly or nuisance causing behaviors.
2. Licensee's security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department, that must be kept on their persons at all times while employed at or located on Licensee's property. This measure is intended to alleviate difficulties encountered by police investigation complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects and is also designed in response to the findings of a previous ABC investigation in which it was discovered that some of the employees found on-site during the investigation were not properly entered in Licensee's employee records.
3. Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and other outside premises, as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10:00 a.m.) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with Licensee's operation. To the extent that residents within such five hundred (500) foot radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problem associated with the accumulation of empty beverage containers, cans, bottles and other debris that results from the operation of the Licensed Premises. .
4. Licensee shall construct and maintain an 8' high solid fence at the rear property line mandated by the Planning Board Resolution dated March 2, 2016, before conducting any public event.
5. Licensee shall install "zero tolerance" signs inside the Licensed Premises, at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.
6. Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient

to ensure that no audible sounds is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaint received by members of the Council pertaining to the Licensed Premises.

7. Licensee shall keep all doors at the rear of the building closed.
8. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designated to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time, resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area.
9. Licensee shall require security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well-marked on the front and rear. This shall include orange shirts with black block letters stating "SECURITY". This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
10. Licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises. Licensee shall post a security guard in the rear parking lot during its hours of operation. Parking attendants and valet parking staff shall not count as "security staff" in calculating the proper ratio of security staff to patrons. The ratio of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel that Licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the numbers of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly or hazardous activities within the Licensed Premises and in the parking lot.
11. Licensee shall strictly enforce a policy to bar admittance to any patron who is not wearing a non-removable wristband, that has been provided to such patron by Licensee's valet parking attendant or parking supervisor, as evidence that the vehicle in which such patron arrived at the Licensed Premises has been parked in Licensee's parking lot. The only exception to this policy shall be for those patrons who demonstrate to Licensee before admittance that they hold a valid New Jersey motor vehicle license indicating that they reside within five hundred (500) feet of the Licensed Premises and have not arrived at the Licensed Premises in a motor vehicle. This condition is intended to restrict admittance to the Licensed Premises to only those patrons whose vehicles, as a driver or occupant thereof, are lawfully parked in Licensee's parking lot, in order to address issues raised by at the Planning Board regarding illegal parking, property trespass, loitering, and related nuisances.
12. Licensee shall institute a policy requiring its security staff to immediately report to the Sayreville Police Department any violations of Title 39 observed by such staff in

and around the Licensed Premises, and to provide the Borough Clerk, on a monthly basis, with a list of all such reports made by the Licensee's security staff to police within the prior month.

13. On a weekly basis, Licensee shall deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers and other entertainers are to be included as employees as per ABC rules.
14. Licensee shall provide a list of entertainers who are booked prior to the scheduled date. The information shall be delivered to the Sayreville Police Department at the time a contract is executed and signed and the information shall be delivered to the Sayreville Police Department as to the name of the outside entertainer employees.
15. Teen nights are prohibited.
16. All patrons will have their vehicles valet parked, and upon presenting proper ID, will receive a wristband. Once a person exits the premises, they cannot re-enter.
17. Occupancy shall be limited to six hundred (600) persons.
18. During the six months following June 30, 2016, no more than five (5) public events shall be permitted on the premises. Thereafter, no public events may be conducted without Planning Board Approval and subsequent amendment of this Condition.
19. Notice of all public events shall be provided to the Sayreville Police Department at least seventy two (72) hours in advance of any public event scheduled on the premises. Licensee shall participate in community meetings if requested by the Police Department.
20. During public events, the licensee shall submit to random noise level readings by the Sayreville Police Department.
21. Licensee shall provide independent noise level readings for every public event for review by the Police Department within 72 hours after the event. Noise levels must meet the State standards contained in N.J.A.C. 7:29-1, *et seq.*
22. All public events must be managed by the Licensee and not by a third party.
23. The applicant shall provide a security guard at the rear parking lot in order to prevent trespassing on the adjacent residential lots.

Revision Dated: February 27, 2017

By Order of the Mayor and Council

RESOLUTION #2017-067
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING
THE EXECUTION OF AN AGREEMENT BETWEEN THE
BOROUGH OF SAYREVILLE AND THE
ASSOCIATED HUMANE SOCIETIES, INC.

WHEREAS, the Governing Body of the Borough of Sayreville has determined that it is in need of a provider of services for animal protection which will be available on a daily basis; and

WHEREAS, the Governing Body of the Borough of Sayreville has come to an agreement with the Associated Humane Societies, Inc., a non-profit, charitable organization to provide the Borough services including but not limited to, the rescue, custody and care

of injured animals, trapped animals, sick animals and animals whose lives are endangered or animals that present a danger to humans, including those that have bitten a person; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the proper Borough Officials and the Borough Administrator are authorized and directed to execute the Agreement between the Borough of Sayreville and the Associated Humane Societies, Inc. which Agreement will run from the 1st day of March, 2017 through the 28th day of February, 2018.

/s/ Steven Grillo, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-068 - Removed

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through the State Contract One (1) 2017 Special Service Ford 150, through Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034 (Contract #T2776/A88728) at a total cost not to exceed \$28,675.00.

RESOLUTION #2017-069

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 \$9,885.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-070

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

NAME OF APPOINTEE:	Nelson Vega
POSITION:	Laborer
DEPARTMENT:	Public Works
EFFECTIVE:	March 1, 2017

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 Civil Service Commission.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-071

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 Library Renovations.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-072

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. 1:

- Project: Public Safety Complex Boiler Replacement
- Contractor: Liberty Mechanical Contractors, Inc.
330-336 Raymond Blvd.
Newark, NJ 07105
- Net Decrease: \$4,861.00
- 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 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/ Mary J. Novak, Councilwoman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-073
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: Public Safety Complex Boiler Replacement
- Contractor: Liberty Mechanical Contractors, Inc.
330-336 Raymond Blvd.
Newark, NJ 07105

- Balance: \$5,743.95

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 \$8,615.25 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION READ IN FULL:

RESOLUTION #2017-074

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Sayreville strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Sayreville is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grant Program;

THEREFORE, the Governing Body of the Borough of Sayreville has determined that Sayreville should apply for the aforementioned Grant.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Sayreville, State of New Jersey, authorizes the submission of the Sustainable Jersey Grant Application.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time the Mayor opened the meeting to the public for questions or comments on Resolution #2017-74. There were no appearances.

Council President Buchanan moved to close the public portion and adopt Resolution #2017-074. Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION – Held earlier in meeting.**

- **PUBLIC PORTION**

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

Those appearing were:

- James Robinson, 11 Borelle Square
Commented on the Borough's COAH obligation and plan.

Focused his conversation on the environmental factors where 300 units of housing are proposed to be built which are possible wet lands, a retention pond, high tension wires and an active rail road line. Then to place a road entering and exiting from a development onto No. Erston Road would be very dangerous, never mind the wild life. He also mentioned our Open Space committee that was looking to purchase space there to be preserved to augment Kennedy Park. That when that area was zoned Prime some twenty five years ago, the McCormack Administration was to add that property to Kennedy Park with the use of Open Space Funds, so that Kennedy Park would extend from Washington Road to Main Street. He said that he is mindful of the borough's COAH's obligation. He also said that the borough needs to be mindful of the litigation that has gone on since at least the year 2000 on the Crossman ptt. He mentioned how much that litigation has cost the borough in legal fees alone. Which stemmed from that property being zoned residential and an application came in to build residential and was denied by the town and then the zone was changed to an SED Zone. He then mentioned why it changed to residential way back when they were going to build the Wakefern warehouse there.

He said that he supports Affordable Housing but does not support bad land use or waste of money on that litigation. He asked that the council look at a way to resolve both of these issues. Rather than putting residential developments in areas that are not suitable for residential. He suggested putting this development in the area where we have the litigation to resolve the both of these problems. This would be a reasonable solution.

Mayor asked if there were any further questions or comments. There being no further questions or comments. Council President Buchanan made **a motion to close the public portion**. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes. Carried.

- **ADJOURNMENT**

Councilwoman Novak made **a motion to adjourn** this meeting. Seconded by Council President Buchanan.

Roll Call: Voice Vote, all Ayes. Carried.

Time: 8:25 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved