

Mayor O'Brien opened the Council Meeting at 7:01 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this May 23, 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: None

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

Others Absent: None

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

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

- ✕ April 11, 2016 - Council Meeting, Agenda Meeting & Executive Session
- ✕ April 25, 2016 - Council Meeting, Agenda Meeting & Executive Session
- ✕ May 9, 2016 - Council Meeting, Agenda Meeting & Executive Session

Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **OLD BUSINESS**

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

At this time the Mayor opened the meeting to the public on each individual ordinances:

ORDINANCE #329-16
**BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE
WATER MAIN IN QUAID STREET FROM WASHINGTON ROAD
TO ITS TERMINUS IN THE BOROUGH OF SAYREVILLE,
NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE
BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance, which improvements or purposes are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$400,000. No down payment is required as the improvements or purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 4(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvements or purposes, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$400,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements or purposes hereby authorized and the improvements or purposes for the financing of which said obligations are to be issued are the replacement of the water main in Quaid Street from Washington Road to its terminus, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said improvements or purposes is \$400,000.

(c) The estimated cost of said improvements or purposes is \$400,000.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Borough may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 40 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and an electronic copy thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as

defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$400,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements or purposes.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable real property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the

improvements or purposes described in Section 3 of this bond ordinance is \$400,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

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

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

Mayor asked if anyone had any questions or comments on this Ordinance.

There being none, Councilwoman Novak moved the Public Hearing be closed the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Council President Buchanan.

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

ORDINANCE #330-16

ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$200,000 FOR THE RENOVATION OF THE FORMER BORDENTOWN AVENUE WATER TREATMENT PLANT IN THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH SUPPLEMENTAL APPROPRIATION

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The Borough Council of the Borough of Sayreville, in the County of Middlesex, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise additional money to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance, which improvements or purposes are hereby authorized to be made or acquired by the Borough. For the said improvements or purposes stated in said Section 3, there is hereby appropriated the additional sum of \$200,000, said sum being in addition to the \$1,400,000 previously appropriated by bond ordinance number 262-14 of the Borough finally adopted June 23, 2014 (the "Original Ordinance") for a portion of the improvements or purposes described in Section 3 of this bond ordinance. No down payment is required as the improvements or purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully set forth in Section 4(e) of this bond ordinance.

Section 2. For the financing of said improvements or purposes stated in Section 3 and to meet the said \$200,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes described in Section 3, negotiable notes of the Borough in the principal amount not exceeding \$200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements or purposes hereby authorized and the improvements or purposes for the financing of which said obligations are to be issued are the renovation of the former Bordentown Avenue Water Treatment Plant for office and administrative space by the Water and Sewer Departments of the Borough, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$900,000, including \$700,000 bonds or notes authorized by the Original Ordinance and the \$200,000 bonds or notes authorized herein.

(c) The estimated cost of said improvements or purposes is \$1,600,000, including \$1,400,000 which was appropriated by the Original Ordinance and the \$200,000 appropriated herein.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and an electronic copy thereof has been filed in the office of the Director of the Division of Local Government Services in the

Department of Community Affairs in the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$200,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements or purposes. Of this amount, \$200,000 was estimated for these items of expense in the Original Ordinance and an additional \$50,000 is estimated therefor herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-44(c). The obligations authorized herein are to be issued for improvements or purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by the Original Ordinance or this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by the Original Ordinance or this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$900,000, \$700,000 of which was provided for in the Original Ordinance and \$200,000 of which is provided for herein. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

Mayor asked if anyone had any questions or comments on this Ordinance.

There being none, Councilwoman Novak moved the Public Hearing be closed the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Council President Buchanan.

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

ORDINANCE #331-16
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER IV OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 4-19 "EMPLOYMENT OF OFF-DUTY POLICE OFFICERS"

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

4-19 - EMPLOYMENT OF OFF-DUTY POLICE OFFICERS.

4-19.1 ***

4-19.2 Assignments ***

a ***

b ***

c. The Police Manual of the Borough of Sayreville, its rules and regulations are hereby incorporated by reference into this section. In no event, however, shall an off-duty assignment interfere with Borough related police assignments. No police officer shall be permitted to work more than sixteen (16) hours in two (2) eight (8) hour shifts in any given twenty-four (24) hour time period, **subject to the approval of the Chief of Police or designee in an emergency basis**. No police officer shall be permitted to exceed the total number of hours of work, which shall include on-duty Borough work and off-duty private contract work, in any given day or any given work cycle as set forth in the Police Manual, or any other law or regulation.

d ***

4-19.3 Contracts with Private Entities. Any private person or entity desiring to retain the services of police officers of the Borough of Sayreville for off-duty police related activities shall be required to enter into a contract with the Borough of Sayreville. Said contract shall include, but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment of services to the officers, administrative fees to the Borough of Sayreville, and fees for the use of Borough owned equipment.

Extra-Duty construction and road jobs performed by vendors that divert or interrupt motor vehicle or pedestrian traffic flow or may expose the public to the risk of injury shall require the services of off duty police officer(s). The number of off duty officers required shall be determined by the Chief of Police or his designee. The Chief of Police or his designee has the authority to determine if the services of an off-duty officer or officers are needed for an extra-duty construction or road job.

The contract with said private person or entity shall provide for the deposit of monies in advance by the private person or entity for the services to be performed. Should the contract call for a term exceeding one (1) month, the private person or entity shall be required to tender an estimated payment for the first month's services upon executed the contract, and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the Police Chief or his designee shall upon termination of the contract and receipt of the final certified time slips, return all unused funds to the private person or entity. ~~The off-duty police officer shall not be compensated until the Borough has received the funds from the private person or entity.~~ Nothing in this section shall be construed as limiting the power of the Borough of Sayreville to accept or reject any and all assignments with any private person or entity.

4-19.4 Payment for Off-Duty Assignments.

a. ***

b. ~~As of the effective date of this section, all police officers shall be paid at an hourly rate of not less than fifty (\$50.00) dollars per hour. Effective January 1, 2010, this rate shall increase to fifty-five (\$55.00) dollars per hour. All off-duty assignments shall be for four (4) hours at a minimum. All hours worked in excess of eight (8) hours shall be paid at one and one half (1 1/2) times the applicable hourly rate for each officer. Effective July 1, 2016, all police officers shall be paid an hourly rate of fifty-five (\$55.00) dollars per hour for Board of Education. For all other off-duty assignments, police officers shall be~~

paid an hourly rate of sixty-five dollars (\$65.00) per hour and effective January 1, 2017 seventy-five (\$75.00) dollars per hour. All off-duty assignments shall be for four (4) hours at a minimum. All hours worked in excess of eight (8) hours shall be paid at one and one-half (1-1/2) times the applicable hourly rate for each officer.

c. Cancellation of off-duty assignments shall be made to the Officer in charge no less than ~~one (1)~~ **two (2)** hours prior to commencement or a fee will be charged in an amount equal to the applicable hourly rate multiplied by the minimum amount of hours required multiplied by the number of officers requested.

4-19.5 Administrative Costs

a. In addition to the aforementioned fees to be collected by the Borough of Sayreville from said private person or entity for the payment of said off-duty police officers, the Borough of Sayreville shall collect an administrative fee of ~~five (\$5.00)~~ **ten (\$10.00)** dollars per hour, per person, assigned to said private entity. Said fee shall be used to off-set the administrative costs associated with the assignment of Borough police officers.

b. ***

c. Should a third party vendor be contracted to perform administrative functions, said contract is subject to approval by the Mayor and Council with the advice of the Chief of Police for the Borough of Sayreville.

~~2. Flares: Two (\$2.00) dollars each;~~

~~3. Vehicle barricades: Five (\$5.00) dollars per hour per barricade.~~

4-19.6 ***

4-19-7 ***

4-19.8 ***

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Four, Section 4-19**, of the Revised General Ordinances of the Borough of Sayreville, shall be added to reflect said change.

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.

(*** sections contain no changes and will remain in full force and effect).

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/ Pasquale Lembo, Councilman
(Public Safety Committee)

ATTEST:
/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:
/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:
/s/ Michael DuPont, Esq.
Borough Attorney

Before the public Hearing the Business Administrator stated that there is a minor correction which was suggested by our Labor Counsel which applied to paragraph 4-19.4(b) and that the words "and Municipal Court security" be removed and would be a negotiated item.

The Clerk read the corrected paragraph into record. Mayor asked the borough attorney if there were any objections. He said that he had none that this was minor in nature. The Mayor asked the Council if they had any objections. None were heard. The Mayor said that with the corrections being made he is opening the Public Hearing up on this Ordinance.

Mayor opened the meeting to the public.

Those appearing were:

- Doug Gumprecht, PBA #98 President.

He said that he did have the opportunity to speak with the Business Administrator and their attorney on this ordinance and there may be some conflict as far as hours of operation in the hours they work in a week, so they are looking into a few legal issues at this time. Mayor stated if it was okay with the PBA if the council adopts the ordinance as corrected this evening. Mr. Gumprecht said that he has no objections.

There being no other questions or comments.

Councilman Lembo moved the public hearing be closed and the Ordinance be adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Grillo.

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Rittenhouse, all Ayes.
Councilwoman Novak recused herself from voting.

• **NEW BUSINESS:**

- a) Municipal Clerk reported having received the Supplemental Debt Statement from Wayne A. Kronowski, CFO as of May 23, 2016.

Councilwoman Novak moved the Supplemental Debt Statement be received & filed. Seconded by Councilwoman Kilpatrick.

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

- b) Introduction of the following Ordinance(s):

ORDINANCE #332-16

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION
OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF
SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,922,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$1,830,000 BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance Committee – Public Hearing June 13, 2016)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on the 16th day of June, 2016 23rd day of May, 2016. Motion was seconded by Councilman Buchanan.

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

ORDINANCE #333-16
**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND
FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING
\$1,520,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,447,000
BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance Committee – Public Hearing June 13, 2016)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on the 13th day of June, 2016. Motion was seconded by Councilman Kilpatrick.

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

ORDINANCE #334-16
**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO
VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY,
APPROPRIATING \$420,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance Committee – Public Hearing June 13, 2016)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on the 13th day of June, 2016. Motion was seconded by Councilman Kilpatrick.

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

ORDINANCE #335-16
**AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR
THE YEARS 2013, 2014, 2015 AND 2016**

(FIELD REP. SR. CITIZENS)

(Admin. & Finance Committee – Public Hearing June 13, 2016)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on the 23rd day of May, 2016. Motion was seconded by Councilman Kilpatrick.

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

CONSENT AGENDA/RESOLUTIONS

At this time Mayor O'Brien opened the meeting to the public for questions or comments on the consent agenda items.

There were no appearances.

Council President Buchanan moved the Public Hearing be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Motion was seconded by Councilwoman Noavk.

Roll Call on Consent Agenda Resolutions:

Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Novak, Rittenhouse, all Ayes.

RESOLUTION #2016-133

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/Mary J. Novak
Councilwoman Mary J. Novak

/s/Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

/s/Arthur Rittenhouse
Councilman Arthur Rittenhouse

**Bill list of May 23, 2016 in the amount of \$8,009,114.79
in a separate Bill List File for 2016 (See Appendix Bill List 2016-A for this date).**

RESOLUTION #2016-134

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY, REJECTING THE BIDS RECEIVED
FOR THE CHAIN LINK FENCE INSTALLATION, REPAIR AND REPLACEMENT**

WHEREAS, on April 20, 2016 the Borough of Sayreville accepted Bid Proposals for Chain Link Fence Installation, Repair and Replacement; and

WHEREAS, after all of the packages were reviewed it was identified that the specifications needed to be amended; and

WHEREAS, The Mayor and Council feel it would be in the best interest of the Borough to revise the specifications for this bid.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council that all bids received on April 20, 2016 for Chain Link Fence Installation, Repair and Replacement, and the Purchasing Agent is authorized to re-advertise for same.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

RESOLUTION #2016-135

BE IT RESOLVED that the following person is hereby permanently appointed to the following title and department as per NJDOP Promotional Procedures:

NAME OF APPOINTEE: Rita Jannuzzi

POSITION: Clerk 3

DEPARTMENT: Department of Public Works

EFFECTIVE: May 24, 2016

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Department of Personnel.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2016-136

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
RESCINDING RESOLUTION #2012-282**

WHEREAS, the Governing Body of the Borough of Sayreville adopted Resolution #2012-282 on November 8, 2012 requesting permission for the Dedication By Rider for Super Storm Sandy 2012 Contributions as required by N.J.S.A. 40A:5-29; and

WHEREAS, the need for this special account no longer exists and in accordance with law there the Borough of Sayreville needs to dispose of this special Dedication By Rider.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Resolution #2012-282 adopted on November 8, 2012 is hereby rescinded.

/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 #2016-137
DEDICATION BY RIDER

A Resolution Requesting permission for a Dedication
By Rider for an Affordable Housing Trust Fund as
Required by N.J.S.A. 40A:12A-3 et seq.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:12A-3 et seq. provides for Affordable Housing contributions to be maintained in a separate Trust Fund; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Affordable Housing Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Sayreville, County of Middlesex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Affordable Housing Trust Fund. (N.J.S.A. 40A:12A-3 et seq.)

2. The Municipal Clerk of the Borough of Sayreville, County of Middlesex is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services

/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 #2016-138

WHEREAS, on April 21, 2016 the Mayor and Council of the Borough of Sayreville received bids for the **2015 Roadway Paving & Reconstruction Project – Phase I (Improvements to Quaid Street)** project; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 23rd day of May, 2016, that:

1. Contract for the “**2015 Roadway Paving & Reconstruction Project – Phase I (Improvements to Quaid Street)**” project be awarded Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 on their bid price of \$674,638.36 as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2016-139

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: 2014 Roadway Paving & Reconstruction Project – Phase I
- Contractor: Lancha Construction Corp.
49 West Grochowiak Street
South River, NJ 08882
- Net Decrease: \$39,148.46
- 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/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

RESOLUTION #2016-140
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: 2014 Roadway Paving & Reconstruction Project – Phase I
- Contractor: Lancha Construction Corp.
49 West Grochowiak Street
South River, NJ 08882
- Balance Due \$19,678.65

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 \$147,589.87 and the approval of same as to form and sufficiency by the Borough Attorney.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

Resolution #2016-141

WHEREAS, on April 21, 2016 the Mayor and Council of the Borough of Sayreville received bids for the **Camden Street Water System Improvements** project; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 23rd day of May, 2016, that:

1. Contract for the "**Camden Street Water System Improvements**" project be awarded Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 on their bid price of \$216,542.01 as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

RESOLUTION #2016-142

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REJECTING THE BIDS RECEIVED FOR THE REPAIRS TO THE KENNEDY PARK SKATE PARK

WHEREAS, on May 10, 2016 the Borough of Sayreville accepted Bid Proposals for Repairs to the Kennedy Park Skate Park; and

WHEREAS, after all of the packages were reviewed it was identified that the bid contains a number of non-waivable deficiencies; and

WHEREAS, The Mayor and Council feel it would be in the best interest of the Borough to revise the specifications for this bid.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council that all bids received on May 10, 2016 for Repairs to the Kennedy Park Skate Park, and the Borough Clerk is authorized to re-advertise for same.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

RESOLUTION #2016-143

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Council of the Borough of Sayreville hereby approve the request for reducing the park rental fee for Sayreville PBA Local #98's annual picnic being held at Burkes Park to a negotiated flat rate of \$450.00 and that said PBA Local #98 shall be responsible of all cleanup associated with event scheduled for August 28, 2016.

/s/Daniel Buchanan
Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

RESOLUTION #2016 - 144

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE
BOROUGH TO ENTER INTO AN AMENDED AGREEMENT
WITH SPECIAL COUNSEL**

WHEREAS, the Borough of Sayreville had entered into an Agreement with James P. Nolan, Esquire to serve as Special Counsel for Rent Leveling Board matters; and

WHEREAS, according to Resolution 2015-366, Mr. Nolan was appointed as Special Counsel for Rent Leveling Board matters for the period of one (1) year terminating on November 30, 2016; and

WHEREAS, an employment agreement was executed stating a "not to exceed" figure of \$3,000.00 on the term of the contract; and

WHEREAS, the Rent Leveling Board has advised the Governing Body of the Borough of Sayreville that Mr. Nolan's services will exceed that figure and his services are crucial to the Rent Leveling Board; and

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

1. That this Resolution hereby amends the appointment terms in Resolution 2015-366 and extends the term of the agreement from November 30, 2016 to December 31, 2016.
2. That the services to be rendered by said James P. Nolan, Esquire shall be in compliance with the Laws of the State of New Jersey.
3. This appointment is made without competitive bidding 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 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 James P. Nolan, Esquire, Special Counsel-Rent Leveling Board is directed to prepare an Amended Employment Contract extending the term of the Contract to December 31, 2016 and which shall include a "not to exceed" figure

of \$10,000.00 for the term of the contract, unless prior approval has been granted by the Mayor and Council; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward a true copy of this resolution to James P. Nolan, Esquire, the Rent Leveling Board Chairman and the Borough Attorney.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien

Mike DuPont the Borough Attorney read the following resolution in full for the record:

READ IN FULL

RESOLUTION #2016 - 145
RESOLUTION BY THE BOROUGH COUNCIL
IN SUPPORT OF SAYREVILLE PROPOSED
AFFORDABLE HOUSING COMPLIANCE PLAN

WHEREAS, the Borough of Sayreville and the Intervening and Participating Defendants have agreed to settle this litigation by entering into a Settlement Agreement and have requested that the Superior Court, Middlesex County, find that the Agreement, and the approach to meeting the Borough's Prior Round and Third Round Mount Laurel obligations, as detailed in the proposed Settlement Agreement is fair to the interests of lower income residents of New Jersey and entitles the Borough to protection from Mount Laurel litigation for the period of ten years from the date of the order entered by the court approving this Settlement Agreement; and

WHEREAS, it is also recognized that the proposed Settlement Agreement and proposed Housing Element and Fair Share Plan must be reviewed by the Court in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364(Law Div. 1984), aff'd o.b., 209 N.J. Super, 108 (App Div. 1996), and East/West Venture v. Borough of Fort Lee, 286 N.J. Super, 311, 328 (App. Div. 1996), and that, in order to approve the settlement, the court must find that the Settlement Agreement and proposed Housing Element and Fair Share Plan adequately protects the interests of lower - income persons for whom the affordable units proposed by the settlement are to be built; and

WHEREAS, Sayreville has prepared a proposed Housing Element and Fair Share Plan which demonstrates that it has actually met its entire Prior Round obligation and significant portion of its Third Round obligation, and identified specific sites and mechanisms for the remainder of its Third Round obligation that present a realistic opportunity for the development of its regional fair share of housing affordable to lower income households, including families, people with special needs, very low income households including very low income families and seniors; and

WHEREAS, at this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement of those obligations using a mutually agreed upon process for determining those obligations in the context of a settlement rather than litigating a full resolution of those obligations; and

WHEREAS, the Borough Council has been briefed on this process, including the proposed Settlement and

WHEREAS, after consultation with the Borough's Special Counsel and Planner regarding the proposed settlement and housing plan, the Borough Council

believes it is in the best interests of the Borough of Sayreville to settle the existing litigation with the intervening parties and to endorse and proceed with the proposed Housing Element and Fair Share Plan, subject to final approval by the Court, including fairness hearing related to same.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sayreville that it does approve hereby of the proposed Housing Element and Fair Share Plan presented at its May 23, 2016 Council meeting and further approves and endorses the proposed Housing Element and Fair Share Plan dated April 20, 2016 with amendments thereto, which is on file with the Borough Clerk and available for public viewing, subject to the Borough finally negotiating a complete and final Settlement Agreement and Housing element and Fair Share Plan approved by the court and subsequent formal adoption of a Master Plan Amendment.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time Mayor O'Brien open the meeting to the public for questions or comments on Resolution 2016-145 on the COAH Settlement.

There being no appearances, Councilman Grillo moved the public hearing be closed and the resolution be adopted on roll call vote. Motion was seconded by Councilwoman Novak.

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

At this time Mayor O'Brien called Fire Chief Vinnie Waranowicz forward to lead us in a Moment of Silence for Daniel DiPaolo. A 50 yr. + fireman the longest serving Board of Education member in the St. of New Jersey. Everyone stoop while Fire Chief Waranowicz called for a moment of silence in memory of Danny DiPaolo.

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 about comments Councilwoman Novak made to the newspaper about the budget and councilpersons Rittenhouse and Lembo and that she has an issue with the democrats rubber stamping everything.

- Michael D'Addio, 13 Zaleski Drive

Thanked the governing body for passing a responsible budget.

- Ted Petersen Crestview Apartments

Commented on a complaint he made to the Rent Leveling Board back in April. He felt that the Rent Leveling Board was not following their own ordinances. He asked for the council to act for him. He commented about the rent increases not being mailed by certified mail 60 days in advance.

Mayor O'Brien spoke in support of the Rent Leveling Board and that all of his complaints were being acted upon.

Mr. Petersen asked the Borough Attorney if a 14 month period was inadequate for a board to make a decision on a complaint.

Mr. DuPont said that he did not have enough information to answer him properly but he (Mr. Petersen) did ask for a number of adjournments as well as filing 10-13 different complaints to the board.

Fred Rubenstein from the firm James P. Nolan & Assoc. representing the Rent Leveling Board came to the podium. He said that a decision will be made on this matter at the next meeting in June. Mayor asked if the 60 day notice is being adhered to or if it is minimal in nature. Mr. Rubenstein said that this is something that Mr. Nolan is reviewing right now.

- Ted Petersen, Crestview Apartments

Asked if an ordinance is a law.

Response by the Borough Attorney.

- Barbara Kilcomons, 22 Schmitt St.

Questioned what the status was of the police radios and why the special meeting was rescheduled.

Mayor stated that topic is going to be covered under the business admin. agenda during the agenda session.

Councilwoman Novak stated that the Police Chief needed more information and that is why the meeting was changed.

- Ted Petersen, Crestview Apartment

Commented on being charged for housing cats.

There were no further questions or comments.

Council President Buchanan moved the public portion be closed. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes. Carried.

- **ADJOURNMENT**

No further discussion and No further business.

Mayor O'Brien called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 7:42 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved