

COUNCIL MEETING MINUTES

May 26, 2015

Mayor Kennedy O'Brien opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag lead by the cheerleaders who were in attendance.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this May 26, 2015 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, Kilpatrick, McGill, Melendez, 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
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Esq., Borough Attorney

Others Absent: None

Approval of prior Minutes – Council President McGill moved the following minutes be approved on Roll Call Vote, subject to correction if necessary:

- ☒ March 23, 2015 - Council, Agenda and Executive Sessions
- ☒ April 21, 2015 - Receipt of Bids (Misc. Water Dept. Equipment, 2015 Roof Replacement, Major Drive Waterfront Improvements)
- ☒ April 27, 2015 - Council, Agenda and Executive Sessions

Motion was seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

- **SWEARING IN**

Police Chief John Zebrowski was called to introduce the following Officer who was sworn in and sign their Oath of Office as Police Officers by Theresa Farbaniec, Municipal Clerk:

- Police Officer Angela Moat

PROCLAMATION & PRESENTATION:

- **Presentations:**

Phoenix Rising Housing Consultant (Simone Flores)

Professional Assistance relating to Grant Funding & Opportunities

Simone Flores, Rising Phoenix Housing Consultants

- Ms. Flores gave her experience with Grants and Grant writing and types of grants and amounts of grants she was able to obtain.

Mayor asked about matching funds on grants and how she is compensated.

She explained that the match depended on the grant and her compensation is typically a monthly retainer.

Mayor commented that we do apply and get grants but Sayreville does not have a dedicated grant writer. He asked how long it would take her to perform an evaluation and how much it would cost.

She explained the evaluation would take approximately one month and the cost is \$1,000./month and typically an analysis would run from \$1,500. - \$3,000.

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Discussion followed regarding her fees following the analysis and her typical amount of grant income. Questions presented by the governing body as to what types of grants she would be looking at for the borough.

Mayor asked Simone to visit the departments and obtain their needs, prepare a comprehensive plan of action, pay you for the analysis and then we will make the decision if we want to move ahead with the grant writing.

CFO Kronowski asked if she gets involved in Grant Management end of it. Simone said that with grants comes a lot of reporting, compliance and complex technical stuff. She said that it is important that you have someone on your team that could manage these grants moving forward to meet compliance. She said that she would be there to provide technical assistance to that person to be sure the borough is in compliance.

In closing the presentation the Mayor asked that when she put her analysis plan and proposal together that she submit it to the Business Administrator, Mr. Frankel and the CFO, Mr. Kronowski. The governing body will discuss it and let her know.

Mayor O'Brien called for the next Order of Business:
Clerk Read:

OLD BUSINESS

a. Public Hearing on the following Ordinance(s):
The Clerk Read the heading for Ordinance #287-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #287-15**.

There were no appearances

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

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #287-15

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 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 described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said

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improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$800,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$40,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$800,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$760,000 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 \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are various park improvements, including without limitation, Kennedy Park, Laurel Park field improvements, Skate Park improvements, various ball field upgrades, Major Drive Waterfront improvements and other miscellaneous improvements, 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 purposes is \$760,000.

(c) The estimated cost of said purposes is \$800,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$40,000 down payment for said purposes.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

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(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 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 a complete duplicate thereof has been electronically 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 \$760,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 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.

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.

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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 \$760,000. 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.)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

The Clerk Read the heading for Ordinance #288-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #288-15**.

There were no appearances

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

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE #288-15
AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE
NO. 235-13 FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS,
OFFICERS AND EMPLOYEES FOR THE YEARS 2013, 2014, 2015 AND 2016
Ordinance reflects changes in accordance with the DOP Title Consolidation

May 26, 2015

NOW THEREFORE BE IT AN IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville that Ordinance #235-13 is hereby supplemented and amended to reflect the changes in accordance with the Department of personnel Title Consolidation and salary as commensurated in the A.F.S.C.M.E Bargaining Unit for the years 2013, 2014, 2015 and 2016:

Borough of Sayreville – AFSCME Salary & Wage Schedule

APPENDIX II

SECTION 2. Severability Clause.

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

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions 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/ Mary J. Novak, Councilwoman
(Admin. & Finance 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

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The Clerk Read the heading for Ordinance #289-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #289-15**.

There were no appearances

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

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

ORDINANCE No. 289-15
AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
SAYREVILLE TO ADD ON-STREET HANDICAPPED PARKING SPACES
-29 Hart Street – 12-15-14 Council referred request to Traffic and approved by Sgt.
Bartlinski-

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

Section 1. That Chapter VII, Traffic, Section 7-3.7, Handicapped Parking Spaces In Streets, is hereby supplemented to the following additional handicapped parking spaces, as follows:

7-3.7 Handicapped Parking Spaces In Street.

a. * * *

b. * * *

Thomas Street/ 29 Hart Street

One (1) parking space at 29 Hart Street, easterly side, beginning at a point 35' east of the prolongation of the Northern curb line of Hart street and extending to a point 22' north thereof.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

/s/ David McGill, Councilman
(Public Safety Committee)

ATTEST:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

Kennedy O'Brien, Mayor

May 26, 2015

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq
Borough Attorney

NEW BUSINESS:

a. Municipal Clerk Farbaniec reported on having received the Supplemental Debt Statement from Wayne A. Kronowski, CFO as of May 26, 2015.

Councilwoman Novak moved the supplemental Debt Statement be received and filed. Motion was seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried.

• **b. NEW BUSINESS:**

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

ORDINANCE #290-15

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

(Co. Novak, Admin. & Finance – Public Hearing May 26, 2015)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on June 8, 2015. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes.

ORDINANCE #291-15

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,330,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on June 8, 2015. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all Ayes.

CONSENT AGENDA/RESOLUTIONS

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

There were no appearance.

Councilwoman Novak made a **motion to remove Resolution #2015-135**. The Borough Attorney stated that he would like to further review the Emergency nature of the need to be sure it is in compliance with the State Statute.

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Mayor asked if there were any objections. None made.
Councilman Buchanan seconded the motion.

Roll Call:
Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all
Ayes. Carried.

Councilman McGill moved the Public Portion be closed and the Consent Agenda
Resolutions be adopted on Roll Call Vote. Motion seconded by Councilwoman Novak.

Roll Call:
Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Rittenhouse, all
Ayes. Carried.

RESOLUTION #2015-122

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, Mayor

/s/ Councilman Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Victoria Kilpatrick

/s/ Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

**Bill list of May 26, 2015 in the amount of \$1,716,101.90 in a separate Bill List File for
2015 (See Appendix Bill List 2015-A for this date).**

RESOLUTION #2015-123

BE IT RESOLVED that the following person is hereby appointed to the following
title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE:	Enza Tsaptsinos
POSITION:	Clerk Typist II Permanent/Part Time
DEPARTMENT:	Administration & Executive
EFFECTIVE:	May 27, 2015

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.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

Kennedy O'Brien, Mayor

RESOLUTION #2015-124

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the Municipal Code Corporation to provide a legal review of the Code of Ordinances of the Borough of Sayreville and to make recommendations and corrections which have been approved and to provide the appropriate supplements to ensure that the code is consistent and up-to-date with state law at a fee not to exceed \$5,800.00.

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

ATTEST:

APPROVED:

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

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

RESOLUTION #2015-125

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING
THE BOROUGH OF SAYREVILLE TO SUBMIT THE
2015 APPLICATION AND ANNUAL ACTION PLAN TO HUD**

WHEREAS, the CDBG Committee proposes to use the 2015 allocation of \$211,308.00 from HUD for the following purposes:

- a) Senior Center Window Replacement in the amount of \$30,000.00
- b) Quaid Street Reconstruction in the amount of \$181,308.00

WHEREAS, the Governing Body of the Borough of Sayreville has reviewed the plan and has agreed that it is the best and highest use of the available funds; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Governing Body of the Borough of Sayreville authorizes the CDBG Coordinator to submit the 2015 Application and Annual Action Plan to HUD as soon as convenient.

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

ATTEST:

APPROVED:

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

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

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RESOLUTION #2015-126

BE IT RESOLVED, that the appropriate Borough Officials are hereby authorized and directed to execute a Host Agency Agreement between the Easter Seals of New Jersey and the Borough of Sayreville to participate in a Senior Community Service Employment Program for a period of July 1, 2015 to June 30, 2016.

BE IT FURTHER RESOLVED that the Sayreville Office on Aging shall provide the necessary signature and documented time sheets as required in said agreement.

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

ATTEST:

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

APPROVED:

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

RESOLUTION #2015-127

WHEREAS, on June 11, 2013 the Borough of Sayreville awarded a one (1) year contract for "**Annual Maintenance and Repair of Borough Elevators**" to Standard Elevator Corp., 68 Union Avenue, Clifton, NJ 07015; and

WHEREAS, on June 10, 2014 the contract was extended for one (1) additional year with no additional increase in price; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for a one (1) additional and final year at no additional increase in price contained therein; and

WHEREAS, Standard Elevator Corp, has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for the "**Annual Maintenance and Repair of Borough Elevators**" is hereby renewed for one (1) additional (final) year period at no additional increase in price.

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

ATTEST:

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

BOROUGH OF SAYREVILLE

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

RESOLUTION #2015-128

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with Civil Service procedures, pending physical results:

NAME OF APPOINTEE: Thomas R. Farbaniec

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POSITION: Laborer
DEPARTMENT: Public Works
EFFECTIVE: May 27, 2015

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

ATTEST:

APPROVED:

/s/ Jessica Morelos
Assistant Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2015-129

WHEREAS, on October 28, 2014 Highview Homes, LLC posted a Cash Performance Bond in the amount of \$33,167.50 covering Highview Homes LLC Site Plan - Roadway Improvement; and

WHEREAS, Highview Homes, LLC recently posted a Letter of Credit in the amount of \$2,212,586.78 for this project, so therefore the Cash Bond is no longer required.

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release cash bond in the amount of \$33,167.50 upon receipt of a properly executed borough voucher.

/s/ Daniel Buchanan
Daniel Buchanan, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

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

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

2014-2015

RESOLUTION 2015-130

RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, RENEWING PRCL #1219-33-021-009, HELD BY GIANNA'S INC. FOR THE 2014-2015 LICENSE TERM

WHEREAS, Gianna's Inc. t/a Cagney's holder of Plenary Retail Consumption License No. 1219-33-021-009; and

WHEREAS, the Borough of Sayreville has received the Appellate Court decision reversing the defendants criminal convictions on or about Aug. 13, 2014; and

WHEREAS, Gianna's Inc. has complied with the necessary requirements including filing of applications and the filing of fees in a timely fashion for the 2014-2015 license term; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for 2014/2015 license term; and

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WHEREAS, on September 23, 2014, Michael I. Halfacre, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12:39, Agency Docket No. 09-14-8927 for a two-year period covering the 2014/2015 and 2015/2016 license term and to grant or deny said application in the reasonable exercise of its discretion; and

WHEREAS, Tax Clearance Certificate was cleared on May 19, 2015.

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

1. That Plenary Retail Consumption License No. 1219-33-021-009, issued to Gianna's Inc. be and the same is hereby renewed for 2014/2015 License Term subject to the conditions contained in the Stipulation of Settlement Agreement and approved by Resolution #2009-167 dated July 13, 2009 as well as all previous conditions contained on the license and re-stated as follows:

(a) No electronic speakers shall be located closer than fifteen (15') feet from the front of the licensed premises (i.e. building);

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(b) All electronic speakers shall be elevated off the floor;

(c) The front door shall be equipped with a latching mechanism which will permit the door to be locked in such manner as to prevent entrance from the outside while still allowing for exiting in the event of emergency;

(d) On all Fridays and Saturdays and on all Sundays occurring during any three-day legal holiday which ends on a Monday and on any and all days where the licensee is to hold a special promotion of any sort, the licensee shall:

- Post (at least) one security guard continuously in front of the building from 12:01 A.M. to 2:00 A.M.
- Post (at least) two security guards continuously outside of the building, at least one of which shall be posted in front of the building from 2:00 A.M. until the last patron (i.e., non-employee) has left the premises after closing;
- Ensure that all guards shall wear, while on duty, distinctive clothing which is readily noticeable and easily visible at night, such as bright orange vests; and
- Not allow any employees to park on premises;
- After closing, patrol the streets and sidewalk areas along the located establishment and the respective intersections and shall remove all loose cans and bottles found in such areas.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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RESOLUTION #2015-131

WHEREAS, Marullo, 2, LLC filed a verified petition with the State Division of Alcoholic Beverage Control requesting the issuance of a “new” license to replace the license that expired upon failure to timely renew the license for 2014-2015 license term pursuant to the provisions of NJSA 33:1-12.18; and

WHEREAS, additionally as part of its verified petition, Marullo 2 LLC requested a special ruling to permit the Borough of Sayreville to consider its renewal application for its inactive plenary retail consumption license for the 2014-2015 license term pursuant to the provisions of NJSA 33:1-12:39; and

WHEREAS, by Special Ruling dated March 18, 2015, the Director of the State Division of Alcoholic Beverage Control authorized the Borough of Sayreville to consider Marullo 2, LLC application for a “new” Plenary Retail Consumption License to replace the license that expired upon failure to renew for the 2014-2015 license terms and authorized the borough to consider Marullo 2, LLC’s application for renewal of its inactive plenary retail consumption license for 2014-2015 license term; and

WHEREAS, Marullo 2, LLC has filed its application for a “new” plenary retail consumption license for failure to timely renew for the 2014-2015 license term and for the renewal of its inactive plenary retail consumption license for the 2014-2015 license term; and

WHEREAS, the applications are complete in all respects and Marullo 2, LLC has duly advertised in the Home News Tribune on April 29, 2015 and May 6, 2015 as required by law and has produced proof of publication as to such advertising; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that a “new” Plenary Retail Consumption License No. 1219-33-018-009 is hereby issued to Marullo 2, LLC and that such inactive license for the 2014-2015 license term is hereby renewed, all in accordance with the Special Ruling of the State Division of Alcoholic Beverage Control dated March 18, 2015, and

BE IT FURTHER RESOLVED that all conditions as previously placed on this license carry and remain in full force and effect on said “new” plenary retail consumption license #1219-33-018-009.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

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RESOLUTION #2015-132

WHEREAS, Marullo, 3, LLC filed a verified petition with the State Division of Alcoholic Beverage Control requesting the issuance of a “new” license to replace the license that expired upon failure to timely renew the license for 2014-2015 license term pursuant to the provisions of NJSA 33:1-12.18; and

WHEREAS, additionally as part of its verified petition, Marullo 3, LLC requested a special ruling to permit the Borough of Sayreville to consider its renewal application for its inactive plenary retail consumption license for the 2013-2014, 2014-2015 and 2015-2016 license term pursuant to the provisions of NJSA 33:1-12:39; and

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WHEREAS, by Special Ruling dated March 18, 2015, the Director of the State Division of Alcoholic Beverage Control authorized the Borough of Sayreville to consider Marullo 3, LLC application for a “new” Plenary Retail Consumption License to replace the license that expired upon failure to renew for the 2014-2015 license terms and authorized the borough to consider Marullo 3, LLC’s application for renewal of its inactive plenary retail consumption license for 2013-2014, 2014-2015 and 2015-2016 license terms; and

WHEREAS, Marullo 3, LLC has filed its application for a “new” plenary retail consumption license for failure to timely renew for the 2014-2015 license term and for the renewal of its inactive plenary retail consumption license for the 2013-2014 and 2014-2015 license terms; and

WHEREAS, the applications are complete in all respects and Marullo 3, LLC has duly advertised in the Home News Tribune on April 29, 2015 and May 6, 2015 as required by law and has produced proof of publication as to such advertising; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that a “**new**” Plenary Retail Consumption License No. **1219-33-059-008** is hereby issued to Marullo 3, LLC and that such inactive license for the 2013-2014 and 2014-2015 license term is hereby renewed, all in accordance with the Special Ruling of the State Division of Alcoholic Beverage Control dated March 18, 2015, and

BE IT FURTHER RESOLVED that all conditions as previously placed on this license carry and remain in full force and effect on said “new” plenary retail consumption license #1219-33-056-008.

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

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

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RESOLUTION #2015-133

WHEREAS, on April 21, 2015 the Mayor and Council of the Borough of Sayreville, have received bids for the “Misc. Water Department Supplies/Equipment”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 26th day of May, 2015 that:

1. Contract for the “Misc. Water Department Supplies/Equipment” Project be awarded to the sole bidder Water Works Supplies Co., Inc., Pompton Plains, NJ 07444, on their bid, 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
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

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May 26, 2015

RESOLUTION #2015-134

WHEREAS, on April 21, 2015 the Mayor and Council of the Borough of Sayreville received bids for the "Major Drive Waterfront Improvements"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 26th day of May, 2015:

1. Contract for the "Major Drive Waterfront Improvements" be awarded to Sparwick Contracting, Inc., Lafayette, NJ 07848 on their bid price of \$277,950.00 as appears on copy of bid document attached hereto and made a part hereof.

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

/s/ 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

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RESOLUTION #2015 - 135 - REMOVED
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIKE ZOLLINGER MASONRY FOR THE REMOVAL OF REMAINING FOUNDATION AND VEGETATION OF 124 BUCHANAN AVENUE, SAYREVILLE, NJ IN ACCORDANCE WITH NJSA 40A:11-6, EMERGENCY CONTRACT

WHEREAS, the property commonly known as 124 Buchanan Avenue in the Borough of Sayreville, County of Middlesex and State of New Jersey suffered a fatal structure fire in 2009; and

WHEREAS, the wood protecting the foundation caved in causing the foundation to flood and now presents safety and health concerns; and

WHEREAS, every attempt has been made by the Borough of Sayreville to locate responsible parties, to no avail; and

WHEREAS, the Middlesex County Heath Inspector and the Borough of Sayreville Director of Code Enforcement had the opportunity to inspect the remaining foundation and basement floor of the above property and have found it to be unstable and unsanitary; and

WHEREAS, five (5) contractors were solicited for bids for the demolition of the property and only one (1) bid was received from Mike Zollinger Masonry; and

WHEREAS, said bid exceeds the bid threshold; however, demolishing the unsecured property is deemed necessary to protect the health, safety and welfare of the residents of the Borough and said contract is to be awarded as an emergency contract in accordance with 40A:11-6; and

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BE IT AND IT IS HEREBY RESOLVED that the Governing Board of the Borough of Sayreville authorizes the Mayor and Borough Clerk to execute an Emergency Contract with Mike Zollinger Masonry, not to exceed Nineteen Thousand Nine Hundred (\$19,900.00) Dollars, to complete the demolition of 124 Buchanan Avenue

EXECUTIVE SESSION - None

PUBLIC PORTION

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

- William Henry, Orchard Street
Commented on the position that the Mayor took for the State and the background of the person he replaced.
 - Response by the Mayor.
Mr. Henry questioned the Mayors Ethical and moral standards.
- Chuck Kelly, President of the Retired Police Officers Association.
Commented that on April 1st he submitted a letter to the borough about a sidebar for the 58 PBA retirees. He received a reply from Mr. Frankel on April 27th denying his request and the reasons why. He went on to comment about AETNA and the Broker for the borough and the resolutions appointing Reliance and their commission.

Mr. Kelly spoke about Mr. Robert Smith being hired as the Water Dept. Director and Mr. Dan Frankel that he was told that they have no credentials for this position. He felt that the appointments of Mr. DuPont, Mr. Sica, and Mr. Womack, were political appointments.

At this time he asked for the governing body to reconsider his application for the retiree benefits and for someone to respond within the appropriate time.

Councilwoman Novak stated for the record that she could not vote on this as her husband is a retired Sayreville Police Officer, but what the Labor Attorney said was the PBA contract states is that they are the only group the council could negotiate with including the retirees. The Business Administrator agreed and that what Mr. Kelly wanted was to open up and recognize Mr. Kelly and the Retirees an individual group and negotiate with them. Further comments made by the Borough Attorney. Councilman McGill commented that he understood why the retirees wanted to negotiate on their own, being afraid that the current union would trade off retiree benefits and they are left with no voice.
Closing comments made by Mr. Kelly.

- Michael D'Addio, 13 Zaleski Drive
 - Commented on the Mayor's appointment to the State.
 - Questioned when the water shooting out of the ground on Chevalier Ave. would be fixed.
Councilman Rittenhouse responded that he was waiting to be further informed from the Business Administrator and Water Dept.
- Mr. Michael Burns, Miara Street
Wished the Mayor luck on his new position.
- Chirag Raval, 10 Page Terrace
 - Questioned why Cablevision was the only provider for cable telecommunication services in this area.

COUNCIL MEETING MINUTES

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Response by Mayor O'Brien that Verizon does not have a representative assigned to our area and that he has been in touch with them to try to move this forward and deal with these issues. He said that Cablevision is now deregulated and we have no control over the cable company any longer nor do we have another company wanting to make that capital investment in town.

Mr. Raval commented on how Direct TV and others contract with other telecommunication services for internet and phone or VOIP services, so there are some competition there.

Councilman Buchanan stated that only part of Sayreville has FIOS.

Councilman Melendez stated that this is not only a Sayreville problem it is a State problem and not sure where the push should come from. He asked if he had a solution to recommend.

Mr. Raval stated that there are communities throughout the nation that have implemented their own broadband solutions. Some through electrical utilities others through a government sponsored entity. He explained that the upfront funding is very expensive and then here is the infrastructure. Some towns set up revenue bonds through private investors. The revenue bond money comes in and that is what is used to set up the infrastructure and that is paid off through the subscriber fees. It set up like a utility. He explained how it worked in the different towns he spoke with.

Mayor O'Brien put Mr. Raval in charge of a solution asking him to put four people of like mind and we're going to create a committee. You will work with Councilman Melendez. Mayor asked if he would accept the task and with the borough backing you would have access to things you otherwise would not. Mayor asked if he would accept. He did and will be in touch with the clerk for contact information.

- Mr. Raval then commented on the poor condition of MacArthur Avenue.
- CFO Kronowski gave some history of the roadway that MacArthur Ave. has been repaved three times since he has been CFO but part of the problem is that MacArthur Avenue as well as Pulaski Avenue has an underlay of concrete which has a tendency to cause these problems quicker than other roadways.
- Councilman Rittenhouse asked when the Cablevision contract was up. Mr. Frankel responded that he thought it was 2016.
- Chuck Kelly – said that he did not hear any acknowledgement of the passing of Ellen Buckley who was a long time employee of the borough. Mayor concurred that Ellen was a long time employee of the borough. He called for a moment of silence in her memory. A Moment of Silence was observed by all in attendance.
- Ed Strek, 58 Nickel Avenue
Capt. American Post 211 Honor Guard
 - Thanked the Borough for supporting the veterans and Memorial Day Parade. Thanked the DPW for their due diligences cleaning entire parade route. Councilwoman Novak stated that she is a life member of the VFW Auxiliary and she and other councilmembers participated with them and went to every cemetery. She asked that for next year they receive information as to the American Legion's route so that they could split up and attend both. Mr. Strek reviewed their route.

Mayor asked if there were any other questions or comments.

None made.

Councilwoman Novak made a motion to close the public portion. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes. Carried.

COUNCIL MEETING MINUTES

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- **EXECUTIVE SESSION - None**

- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:09 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved