

Mayor O'Brien opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Theresa Farbaniec, Municipal Clerk announced that this July 23, 2018 Council Meeting had 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

Absent: Councilman Melendez

Others Present: Mayor Kennedy O'Brien
Daniel E. Frankel, Business Administrator
Denise Biancamano, C.F.O./Treasurer
Theresa A. Farbaniec, 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 Kilpatrick moved the following Council Minutes be approved, subject to correction if necessary:

- ✎ May 29, 2018 - Council Meeting, Executive Session & Agenda Sessions
- ✎ June 11, 2018 - Council Meeting & Agenda Sessions
- ✎ June 25, 2018 - Council Meeting & Agenda Sessions

Seconded by Councilman Buchanan.

Roll Call – Councilpersons Kilpatrick, Buchanan, Grillo, Lembo,
Novak, except for May 29 as she was not present, all Ayes.

- **PROCLAMATION & PRESENTATIONS - None**

- **RESOLUTION READ IN FULL**

By Municipal Clerk Farbaniec

RESOLUTION #2018-261

BE IT RESOLVED that the following persons are hereby appointed to the following:

NAME OF APPOINTEE: Joseph McMahon
Peter Dufurat
Matthew Zebrowski
Marcin Piatek
Michael Valentin
George Lestuck, Jr.

POSITION: Police Officer

DEPARTMENT: Police Department

EFFECTIVE: August 13, 2018

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/ Daniel Buchanan, Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time Mayor O'Brien opened the meeting to the public for questions or comments on this resolution. There being none, he called for a motion. **Councilman Buchanan moved the public portion be closed and the resolution adopted on Roll Call vote. Seconded by Council President Kilpatrick.**

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

- **EXECUTIVE SESSION** – Tax Appeal Litigation, General Litigation & Personnel

Borough Attorney Mr. DuPont read the following Executive Session Resolution into record.

RESOLUTION FOR CLOSED SESSION

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

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

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10 minutes to discuss the following matters:

Tax Appeal Litigation

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

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

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

/s/ Victoria Kilpatrick, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

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

Roll Call, Voice Vote, all Ayes.

Time: 7:04 PM

Reconvene

Councilman Buchanan made a **motion to reconvene**. Motion was seconded by Council President Kilpatrick.

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Novak, all Ayes. -
Time 7:11 PM

• **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

Municipal Clerk Farbaniec read the heading for the following ordinances listed for Public Hearing:

Mayor O'Brien opened the meeting to the public on Ordinance #421-18. There were no appearances. **Councilwoman Novak moved the Public Hearing be closed and the Ordinance #421-18 be adopted on second and final reading and advertised according to law.** Seconded by Council President Kilpatrick.

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

ORDINANCE # 421-18
BOND ORDINANCE PROVIDING FOR SCOTT AVENUE WATER LINE IMPROVEMENTS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$550,000 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 improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$550,000, said sum being inclusive of all appropriations heretofore made therefor. No down payment is required as the purpose authorized herein is 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. For the financing of the improvements or purposes, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$550,000 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 \$550,000 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 Scott Avenue water line 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 improvements or purposes is \$550,000.

(c) The estimated cost of said improvements or purposes is \$550,000.

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 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 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 \$550,000, 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 \$75,000 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 a purpose that is 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 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 \$550,000. 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 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

Mayor O'Brien opened the meeting to the public on Ordinance #422-18. There were no appearances. **Councilwoman Novak moved the Public Hearing be closed and the adopted on second and final reading and advertised according to law.** Seconded by Council President Kilpatrick.

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

ORDINANCE # 422-18
BOND ORDINANCE PROVIDING FOR HERCULES VILLAGE SEWER IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$213,750 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 improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$225,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$11,250 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 \$225,000 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 \$213,750 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 \$213,750 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 Hercules Village sewer 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 \$213,750.

(c) The estimated cost of said purposes is \$225,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$11,250 down payment for said purposes.

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

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements 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.

(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 \$213,750, 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 \$27,500 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 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 \$213,750. 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 Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance 423-18**. There were no appearances. **Councilwoman Novak moved** the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Council President Kilpatrick.

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

ORDINANCE # 423-18
BOND ORDINANCE PROVIDING FOR HERCULES
VILLAGE WATER IMPROVEMENTS IN THE
BOROUGH OF SAYREVILLE, NEW JERSEY,
APPROPRIATING \$675,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$675,000
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 improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$675,000, said sum being inclusive of all appropriations heretofore made therefor. No down payment is required as the purpose authorized herein is 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. For the financing of the improvements or purposes, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$675,000 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 \$675,000 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 Hercules Village water 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 improvements or purposes is \$675,000.

(c) The estimated cost of said improvements or purposes is \$675,000.

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 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 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 \$675,000, 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 \$82,500 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 a purpose that is 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 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 \$675,000. 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 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

Mayor O'Brien opened the meeting to the Public for questions or comments on Ordinance 424-18.

There being no appearances, Mayor O'Brien called for a motion.

Councilman Lembo moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law.
Seconded by Council President Kilpatrick.

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

ORDINANCE 424-18

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE,
MIDDLESEX COUNTY, NEW JERSEY,
AMENDING AND SUPPLEMENTING ORDINANCE 414-18**

WHEREAS, the Borough Council of the Borough of Sayreville adopted ordinance 414-18 on June 25, 2018, which rezones property commonly referred to as Block 297 Lot 1, Block 333 Lot 1, Block 332 Lots 1, 2, 3, 4 (the "Site") for inclusionary development and created the AH-3 Zone (the "Rezoning Ordinance"); and

WHEREAS, the Rezoning Ordinance was the subject of a Settlement Agreement with National Lead, Inc. for the rezoning of the Site;

WHEREAS, the Settlement Agreement requires that the affordable units associated with the site be deed restricted for a period of at least fifty years;

WHEREAS, the Rezoning Ordinance did not specify the time period associated with the deed restriction.

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

Subsection 3.1(c) Paragraph 7.A of Ordinance 414-18 shall be repealed and replaced by the following provision:

7. Affordable Housing

(a) The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation; except that the deed restrictions/affordability controls for those affordable units shall remain in place for a period of at least 50 years.

/s/ Pasquale Lembo, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Council President

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance 425-18**.

There being no appearances, Mayor O'Brien called for a motion.

Councilman Lembo moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Council President Kilpatrick.

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

ORDINANCE 425-18

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE,
MIDDLESEX COUNTY, NEW JERSEY AMENDING AND
SUPPLEMENTING ORDINANCE 413-18**

WHEREAS, the Borough Council of the Borough of Sayreville adopted ordinance 413- 18 on June 25, 2018, which rezones properties commonly referred to as Block 136.16, Lots 30.05 and 30.6 and Block 366.01, Lot 1, Block 367.01, Lot 1 and Block 347.01, Lot 3.01 (the "Sites") for inclusionary development and created the AH-1 and AH-2 Zones (the "Rezoning Ordinance"); and

WHEREAS, the Rezoning Ordinance was the subject of a Settlement Agreement with K-Land Corp. for the rezoning of the Site;

WHEREAS, the Settlement Agreement requires that the affordable units associated with the site be deed restricted for a period of at least fifty years;

WHEREAS, the Rezoning Ordinance did not specify the time period associated with the deed restriction.

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

Subsection 3.1(a) Paragraph 7.A (AH-1 Zone) and Subsection 3.1(b) Paragraph 7.A (AH-2 Zone) of Ordinance 413-18 shall be repealed and replaced by the following provision:

7. Affordable Housing

(a) The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation; except that the deed restrictions/affordability controls for those affordable units shall

remain in place for a period of at least 50 years.

/s/ Pasquale Lembo, Councilman
(Planning & Zoning Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

c) Appointments (if any)

Sayreville Economic & Redevelopment Agency (SERA)
– (Terms expired 7-15-18 for two Commissioners)

Council President Kilpatrick made a motion to appoint Thomas Pollando, to a five year term on SERA and Mike D’Addio to a five year term on SERA. Motion was seconded by Councilman Buchanan.

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

d) At this time Mayor called forward John Walsh from the Sayreville Jr. Bombers. Mr. Walsh thanked the Mayor and Council for the upgrade to Turf Fields at the Memorial Park. He explained how much more safe it will be. He presented backpacks to the Mayor and Council from the Sayreville Jr. Bombers Football Players and Cheerleaders.

• **NEW BUSINESS:**

a) Clerk reported on having received the Supplement Debt Statement from CFO Biancamano as of July 23, 2018.

Councilwoman Novak made a Motion to receive and file the Supplemental Debt Statement. Seconded by Councilman Buchanan.

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

b) Introduction of the following ordinances:

Councilwoman Novak **moved the Ordinance** be approved on first reading, advertised according to law and a Public Hearing to be held on July 23, 2018. Motion was seconded by Council President Kilpatrick.

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

ORDINANCE 426-18

REFUNDING BOND ORDINANCE OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR FUNDING FOR AN EMERGENCY APPROPRIATION FOR TAX APPEALS, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

(Admin. & Finance – Public Hearing Aug. 20, 2018)

• **CONSENT AGENDA/RESOLUTIONS**

Mayor O’Brien opened the meeting to the public for questions or comments on Consent Agenda Resolutions.

Those appearing were:

- Ken Olchaskey, 108 North Edward Street
Questioned Resolution 2018-256, what the need was for a Special Council for Water/Duhernal. Explained by the Business Admin. and the Borough Engineer.

There being no further questions or comments, **Council President Kilpatrick moved to close the public portion and approve the Consent Agenda Resolutions Roll Call Vote.** Seconded by Councilwoman Novak.

Roll Call – ayes: Councilpersons Kilpatrick, Buchanan, Grillo, Lembo, Novak, all Ayes. Carried.
-Nays: None.

RESOLUTION #2018-244

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.

Kennedy O'Brien, Mayor
Mayor

/s/ Daniel Buchanan
Councilman

/s/ Pasquale Lembo
Councilman

/s/ Steven Grillo
Councilman

Absent
Ricci Melendez, Councilman

/s/ Victoria Kilpatrick,
Councilwoman

/s/ Mary J. Novak
Councilwoman

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for signature.

/s/ Michael DuPont, Borough Attorney

Bill list of July 23, 2018 in the amount of \$5,475,593.74 in a separate Bill List File for 2018 (See Appendix Bill List 2018-A for this date).

RESOLUTION #2018-245

WHEREAS, **Pat's Pub, LLC** is the holder of Plenary Retail Consumption License number **1219-33-007-005**, issued by the Council of the Borough of Sayreville as the Issuing Authority for premises located at 367 Washington Road, Sayreville, New Jersey; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

BE IT FURTHER RESOLVED that Plenary Retail Consumption License number **1219-33-007-005, Pat's Pub, LLC** is hereby **renewed for the 2018-2019** license year, subject to the following conditions as contained in the Stipulation of Settlement Agreement approved by Resolution #2008-132, adopted on May 27, 2008 and remaining on the license:

1. At least at ½ hourly intervals between the hours of 6:00 PM and closing time (currently 2:00 AM under municipal ordinance), Licensee shall monitor and supervise its patrons as they exit the licensed premises to insure against littering and disorderly conduct, including but not limited to littering on and disorderly conduct affecting neighboring properties . After the licensed Premises closes each night under its regulated hours of operation, Licensee

shall have at least one employee or agent inspect the surrounding premises and nearby parcels of property for any refuse, litter, or debris left behind by Licensee's patrons and shall remove all such refuse, litter or debris. Licensee, prior to opening for business on a daily basis, shall inspect the immediate vicinity of the Licensed Premises and remove all litter found in the immediate vicinity.

2. In order to avoid excessive noise emanating from the building, and with the goal of avoiding nuisance to the surrounding neighbors, the Licensee shall take appropriate care to:

- Keep its windows and doors closed at all times when open for business, especially when music is being played inside the licensed premises.
- Set and maintain any jukeboxes, sound systems, or any other audio enhancement devices (audio devices) on a low to moderate level.
- Use available consumer electronic decibel meters, electronic noise limiters or any other sound volume filters in order to measure and limit the audio device sound volume emanating from the Licensed Premises.

3. The Licensee shall make periodic observations of the location of vehicles parked in the immediate vicinity of the licensed premises and announce to and advise its patrons of any vehicles which are improperly parked, giving patrons notice and opportunity to move such vehicles.

#2018-245/Pat's Pub

4. Licensee will use its reasonable efforts to avoid patrons from loitering on or about the Licensed Premises and/or on nearby residential properties immediately surrounding the Licensed premises. Licensee will not allow patrons to congregate or loiter in front of its establishment and, if necessary to accomplish that goal, shall post signs indicating "No Loitering" "Loitering" shall not include patrons standing outside the bar for the purposes of smoking, but will include any patrons standing outside the bar, for any purpose, after closing time.

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately and/or as required by law.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2018-246

WHEREAS, property known as Lot(s) **26**, in Borough Block **32.05**, more commonly known as **52 Ash Terrace**, in **Parlin, NJ** is owned by **Paula & Joseph Rivera Jr.**; and

WHEREAS, Paula Rivera, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing her property to be exempt from taxation at the local level beginning with the 1st Quarter Calendar Year 2017 as verified by the Tax Assessor; and

WHEREAS, the Tax Bills for the four quarters of Calendar Year 2017 & 2018 were generated from the 2016 & 2017 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year 2017 & 2018, while the property is correctly classified as being Tax Exempt commencing with 1st quarter of 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and he hereby is, authorized and directed to cancel all four quarters of **2017** and the first two quarters of **2018**, in the amount of **\$8,000.19** as well as the last two quarters of **2018** and the first two quarters of **2019**, which have yet to be billed and refund the amount paid for the four quarters of **2017** and the first half of **2018** in the amount of **\$8,000.19** on the property known and designated as Lot(s) **26**, in Borough Block **32.05**

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

RESOLUTION #2018-247
CANCELING SMALL BALANCES

WHEREAS, the Municipal Tax Collector informs that from time to time there are property tax credits or delinquencies on certain property located within the Borough of Sayreville, and

WHEREAS, N.J.S.A. 40A:5-17.1 provides that a municipality may adopt a resolution authorizing a municipal employee to process, without further action on their part, the cancellation of any property tax refund or delinquency of less than \$10.00, and

WHEREAS, that the Municipal Tax Collector is qualified, and recommends, to process said cancellation in his continuing effort to maintain the highest level of fiscal responsibility and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Sayreville, that the Municipal Tax Collector is hereby authorized to process the cancelation of tax refunds or delinquency of less than Ten (\$10.00) dollars during the calendar year of **2018** in accordance with N.J.S.A. 40A:5-17.1.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

Kennedy O'Brien, Mayor

RESOLUTION #2018-248

WHEREAS, Torsiello Construction & Management Co., owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2012, 2013, 2014, 2015, 2016, 2017 and 2018 affecting Block 427.01, Lots 1; and

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

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Torsiello Construction & Management Co., duly recommend the following:

- Appeal of 2012 assessment will not be changed
- Appeal of 2013 assessment will not be changed
- Appeal of 2014 will be reduced to 1,733,600
- Appeal of 2015 will be reduced to 1,729,300
- Appeal of 2016 will be reduced to 1,560,300
- Appeal of 2017 will be reduced to 1,367,600
- Appeal of 2018 will be reduced to 1,312,900
- Original Assessment for 2019 to be set at 1,276,500

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

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

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2018-249

BE IT RESOLVED that the proper Borough officials are hereby authorized to Award contract for Public Safety Complex Server Virtualization and Storage to Condoris of Annville, PA, through State Contract (M0483/A89967), at a total cost not to exceed \$52,561.12.

/s/ Daniel Buchanan, Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2018-250

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase SCBA Equipment "Self-Contained Breathing Apparatus" from New Jersey Fire Equipment Co., 119-131 Rt. 22 East, Greenbrook, NJ 08812 through NJ State Contract #T0790/A80961, at a total cost not to exceed \$243,399.00.

/s/Daniel Buchanan, Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

RESOLUTION #2018-251

BE IT RESOLVED that the proper Borough officials are hereby authorized to award contract with Video Corporation of America, Somerset, NJ for the furnishing and installation of video conference system in the Office of Emergency Management, through NJ State Contract # T1466/A81124 in an amount not to exceed \$54,950.00 (FEMA to reimburse).

/s/Daniel Buchanan, Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

RESOLUTION #2018-252

WHEREAS, on July 13, 2015 the Borough of Sayreville awarded a three (3) year contract for "Gasoline and Diesel Fuel" to Rachels-Michele Oil Co., Inc., Clifton, NJ; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for a one (1) additional two (2) year term with no increase in price contained therein; and

WHEREAS, Rachels-Michele Oil Co., Inc. has indicated their interest in extending the term of the aforesaid contract for one (1) additional two (2) year contract.

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 "Gasoline and Diesel Fuel" is hereby renewed for one (1) additional two (2) year period at no additional increase in price.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

RESOLUTION #2018-253

WHEREAS, the Borough of Sayreville is in need of certain goods/services; namely an the resurfacing of the Basketball Court and Labyrnith at War Memorial Park in the Borough of Sayreville; and

WHEREAS, the Borough of Sayreville, being a member of the Keystone Purchasing Network Cooperative Purchasing Program #201801.01 has reviewed the KPM contractors and have found that a contract has been given to FieldTurf USA, Inc. under Contract #FTRV360-57; and

WHEREAS, the Governing Body of the Borough of Sayreville, through the due diligence of the Qualified Purchasing Agent, has ascertained that the contract price of FieldTurf USA, Inc. under the KPN contract is the lowest possible price; and

BE IT AND IT IS HEREBY RESOLVED that the proper Borough Officials and the Borough Clerk are hereby authorized and directed to execute the necessary documents to award the contract to FieldTurf USA, Inc. under Contract #FTRV360-57 for an amount not to exceed \$82,865.00.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O’Brien, Mayor

RESOLUTION # 2018-254

WHEREAS, Darul Arqam School has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a prayer service at Kennedy Park on August 20 or 21, 2018; and

WHEREAS, it is the belief of the governing body that these events provides activities which are family and community oriented;

WHEREAS, the Mayor and Borough Council agree that the event proposed will enhance community spirit; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Darul Arqam School is hereby granted permission to hold this Special Event and that a permit be issued for a prayer service to be conducted on August 20, 2018 with an August 21, 2018 rain date, at Kennedy Park from 9:00 am to 2:00 pm, subject to the proper posting and approval of the following:

- Certificate of Insurance
- \$1,000. Park Rental Fee
- \$273.43 past due overtime (from last event)
- Overflow parking is secured through the Board of Education
- Sayreville Police shall be hired to provide security and traffic control and Sayreville Police Auxiliary providing assistance with pedestrian crossing.

/s/ Daniel Buchanan, Councilman
(Recreation Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor

RESOLUTION #2018-257

WHEREAS, on June 12, 2018 the Mayor and Council of the Borough of Sayreville received bids for the "Hercules Village Area Water & Sanitary Sewer Improvements"; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 23rd day of July, 2018:

1. Contract for "Hercules Village Area Water & Sanitary Sewer Improvements" be awarded, **subject to the availability of funds**, to Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ on their bid price of \$785,241.71 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities and approval of the documents by the Borough Attorney.

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

/s/Steven Grillo, Councilman
(Water & Sewer Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

RESOLUTION #2018-258

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the fiscal year ended December 31, 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs: and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:0-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and
Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled "General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB, to wit:

R.S. 52:27BB-52 "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Sayreville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY

STATE OF NEW JERSEY :
COUNTY OF MIDDLESEX :

We, members of the Governing Body of the Borough of Sayreville, County of Middlesex, of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Mayor and Borough Council of the Borough of Sayreville.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit Filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 for the fiscal year ending December 31, 2016.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS ANDRECOMMENDATIONS

Kennedy O'Brien, Mayor (L.S.)

Daniel Buchanan, Councilman (L.S.)

Steven Grillo, Councilman (L.S.)

Victoria Kilpatrick, Council President(L.S.) Pasquale Lembo, Councilman (L.S.)

Ricci Melendez, Councilman (L.S.)

Mary J. Novak, Councilwoman (L.S.)

RESOLUTION #2018-259

**RESOLUTION OF BOROUGH OF SAYREVILLE
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A 40A:2-51**

WHEREAS, the Borough of Sayreville desires to make application to the Local Finance Board for its review and/or approval of a proposed tax appeal refunding bond ordinance authorizing the issuance of \$500,000.00 in refunding bonds.

WHEREAS, Borough of Sayreville believes:

- (a) it is in the public interest to accomplish such purpose:
- (b) said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and the Auditor, Bond Counsel and financial advisor, along with other representatives of the Borough of Sayreville, are hereby authorized to prepare such application and to represent the Borough of Sayreville in matters pertaining thereto.

Section 2. The Secretary of the Borough of Sayreville is hereby directed to prepare and file a copy of the proposed tax appeal refunding bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Buchanan	None	None	Melendez
Grillo			
Kilpatrick			
Lembo			
Novak			

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-260

WHEREAS, Highway Corporation, t/a Road House Bar & Grill, is the holder of Plenary Retail Consumption License # **1219-33-013-007** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 1 Melrose Avenue, South Amboy, New Jersey; and

WHEREAS, an application has been made for the **2018-2019** renewal term of Plenary Retail Consumption License No. 1219-33-013-007, Highway Corporation, t/a Road House Bar & Grill; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.:

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. **1219-33-013-007, Highway Corporation**, located at 1 Melrose Avenue, South Amboy, NJ 08879 located in the Borough of Sayreville be and the same is hereby **renewed for the 2018-2019 license term.**

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

READ IN FULL

RESOLUTION #2018-261

Read into record at the beginning of the meeting.

READ IN FULL

RESOLUTION 2018-262

WHEREAS, municipalities are required to charge interest on delinquent tax payments under the provisions of R.S. 54:4-66 and R.S. 54:4-67; and

WHEREAS, municipalities are also allowed to grant a grace period during which time interest will not be charged on delinquent tax payments; and

WHEREAS, the Taxpayers of the Borough of Sayreville are entitled to a grace period wherein interest will not be charged; and

WHEREAS, the mailing of tax bills has been delayed; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF SAYREVILLE, that interest at the rate of ten- millionth of one percent (0.000001%) per annum shall be charged on the tax bills normally due on August 1, 2018 provided that the payment therefore is actually received by the Tax Collector on or before August 31, 2018; and

BE IT FURTHER RESOLVED, that any quarterly property tax installment due for the third quarter of Calendar Year 2018 for which payment has not been received by August 31, 2018 shall be charged interest from August 1, 2018 to the date that the payment is actually received by the Tax Collector, to be calculated at

the rate of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, and at eighteen percent (18%) per annum on any and all delinquent amounts in excess of \$1,500.00; and

BE IT FURTHER RESOLVED, that beginning with the fourth quarterly installment of Calendar Year 2018 due and payable on November 1, 2018, and continuing for all tax quarters thereafter, interest shall be charged on delinquent payments at the rates of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, and at the rate of eighteen percent (18%) per annum on any and all delinquent amounts in excess of \$1,500.00, to be calculated from the date that the payment was originally due until the date that the payment is actually received by the Tax Collector.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

After the resolution was read in full, Mayor O'Brien opened the meeting up to the public for questions or comments. There being none, Councilwoman Novak made a motion to close the public portion and adopt the resolution on Roll Call Vote. Seconded by Councilwoman Kilpatrick.

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

- **BOROUGH ENGINEER - Jay Cornell** - No Report

- **BOROUGH ATTORNEY - Michael DuPont** - No Report

• **PUBLIC PORTION**

At this time the Mayor opened the meeting to the Public for questions or comments on any and all matters.

Those appearing were:

- Ken Olchaskey, 108 No. Edward Street

Questioned if the attorney has a report with regards to the legality of appointments not being made to the Planning Board in 2016. Mr. DuPont said that he still had not heard back from the DCA. He said that he would follow-up.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Asked if there was an update following the June 28th Fairness Hearing Court case. Response made by the Borough Attorney as to when the Judge may submit it in writing.

She thanked everyone for holding the MCUA meeting as it was very informative. She indicated that communication between the MCUA and the residents needs to be kept open. She asked for additional meetings such as one in October.

- Ken Olchaskey, 108 North Edward St.

He also complimented the MCUA on the information provided at the meeting. He also indicated that that he went on the tour of the MCUA facility they offered and that they did a first rate job. But felt the biggest problem was the lack of communication.

- Heather Pawski, 71 Zalesi Drive

Questioned the Shade Tree Commission Budget and the Rutgers Report – Phase I Status.

Mr. Frankel responded stating that he gave the information to the QPA and she is doing an analysis and that shortly the Borough will be going out for proposals. Ms. Pawski then questioned if Jeremiah would be staying on as the project manager. Mr. Frankel said that he would give the suggestion to the QPA. Councilman Grillo said that she should attend the next Environmental Commission Meeting because he thought that this is a conversation they need to be part of and should be engaged, he also mentioned that Jeremiah has been unresponsive. Council President Kilpatrick addressed the multiple phases in the Rutgers Plan, but she said that Phase I needs to be done, this is why we need to out for proposals. Councilwoman Novak said that it is important that when we go out for the RFP that it includes the banana bag for the trees. Mayor O'Brien said that he would like an update.

No further questions or comments.

Council President Kilpatrick moved the public portion be closed. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business. **Councilwoman Novak moved to adjourn the Council Session. Motion was seconded by Councilman Buchanan.**

Roll Call: Voice Vote, all Ayes.

Time 7:51 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved